

No. 51 of the United States Chamber of Commerce; to the Committee on Flood Control.

4766. Also, petition of Powel Crosley, jr., protesting against proposal offered by the Merchant Marine and Fisheries Committee, to require equal allotment of broadcasting power and licenses; to the Committee on the Merchant Marine and Fisheries.

4767. Also, petition of V. Bernard Siems, on behalf of the engineering profession, urging support of House bill 11026, providing for the coordination of the public health activities of the Government; to the Committee on Interstate and Foreign Commerce.

4768. Also, petition of E. N. Nockels, secretary and general manager Chicago Federation of Labor, and radio station WCFL, protesting against the amendment of paragraph 2, section 9, of the radio act of 1927, proposing to allocate frequencies in accordance with the established radio zones; to the Committee on the Merchant Marine and Fisheries.

4769. By Mr. LINTHICUM: Petition of Mrs. M. E. Cullinan, president Women's Auxiliary to the Railway Mail Association of Baltimore, indorsing House bill 25 and Senate bill 1727; to the Committee on the Civil Service.

4770. Also, memorial from Baltimore Federation of Churches, Baltimore, Md., and signed by many Baltimore residents, registering opposition to naval increase as proposed by present legislation; to the Committee on Naval Affairs.

4771. Also, petition of Christopher J. J. Witteman, United States custom guard, Baltimore, indorsing House bill 10644; to the Committee on Ways and Means.

4772. By Mr. MEAD: Petition or memorial of Hamburg Chamber of Commerce, regarding the Griest postal rate bill; to the Committee on the Post Office and Post Roads.

4773. By Mr. MILLER: Petition of citizens of Seattle, Wash., protesting passage of House bill 78; to the Committee on the District of Columbia.

4774. By Mr. NELSON of Maine: Petition of sundry residents of Waldo County, Me., against the proposed Lankford Sunday bill; to the Committee on the District of Columbia.

4775. By Mr. NEWTON: Petition of Mrs. Axel Larson, of Minneapolis, and others, against compulsory Sunday observance bill; to the Committee on the District of Columbia.

4776. By Mr. O'CONNELL: Petition of the Fritzsche Bros. (Inc.), of New York City, favoring the passage of the parcel post bill (H. R. 9195); to the Committee on Ways and Means.

4777. By Mr. OLIVER of New York: Petition of Bronx County Civil Service Employees Association (Inc.), protesting against efforts to relax, alter, amend, or repeal the civil service requirements in regard to employees of the Prohibition Bureau; to the Committee on the Civil Service.

4778. By Mr. RAMSEYER: Petition of residents of Oskaloosa, Iowa, protesting against the passage of the Lankford bill (H. R. 78), or any other compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4779. By Mr. ROBINSON of Iowa: Petition from Rev. John Gammons, D. D., pastor of the Methodist Episcopal Church at Earlville, Iowa, which petition was voted unanimously by his congregation, against the large increase in our Navy; to the Committee on Naval Affairs.

4780. By Mrs. ROGERS: Petition of Ralph Wright, Henry J. Bridges, and other citizens of Hudson, Mass., against the enactment of House bill 78, to secure Sunday as a day of rest, etc.; to the Committee on the District of Columbia.

4781. Also, petition of H. S. Sanborn, of 37 Walnut Street, Natick, Mass., against House bill 78, requiring compulsory Sunday observance; to the Committee on the District of Columbia.

4782. By Mr. SANDERS of Texas: Petition of several citizens of Kaufman County, Tex., in behalf of the Hudspeth bill, to prevent gambling in cotton futures and to make it unlawful for any person, corporation, or association of persons to sell any contract for future delivery of any cotton within the United States, unless such seller is actually the legitimate owner of the cotton so contracted for future delivery at the time said sale or contract is made; to the Committee on Agriculture.

4783. By Mr. SUMMERS of Washington: Petition signed by M. Franks and 121 others, of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4784. Also, petition signed by Mr. A. E. Wesseler and 19 others, of the State of Washington, protesting against the enactment of compulsory Sunday observance legislation; to the Committee on the District of Columbia.

4785. By Mr. SWICK: Petition of J. C. Glass and 18 other residents of New Castle, Lawrence County, Pa., protesting the passage of the Lankford bill, or any other measure proposing compulsory Sunday observance in the District of Columbia; to the Committee on the District of Columbia.

4786. By Mr. TAYLOR of Colorado: Petitions from citizens of Cortez, Colo., protesting against the passage of the Lankford bill, or any other legislation to enforce compulsory Sunday observance; to the Committee on the District of Columbia.

4787. By Mr. THOMPSON: Petition of 16 citizens of Delta, Ohio, protesting against the passage of House bill 78, the so-called compulsory Sunday observance bill; to the Committee on the District of Columbia.

4788. By Mr. WASON: Petition of W. W. Eastman and 173 other residents of Hill, N. H., protesting against the passage of the compulsory Sunday observance bill (H. R. 78); to the Committee on the District of Columbia.

4789. By Mr. WELLER: Petition of citizens of the State of New York, in favor of House bill 6518; to the Committee on the Civil Service.

4790. By Mr. WELSH of Pennsylvania: Petition bearing 563 signatures of citizens of Philadelphia, Pa., opposed to House bill 78, known as Lankford Sunday observance bill; to the Committee on the District of Columbia.

## SENATE

FRIDAY, March 2, 1928

The Chaplain, Rev. Z. Barney T. Phillips, D. D., offered the following prayer:

Most merciful God, who art of purer eyes than to behold iniquity, and hast promised forgiveness to all who confess and forsake their sins, we bow before Thee in a humble sense of our own unworthiness, acknowledging our manifold transgressions of Thy righteous laws. Reform whatever is amiss in the temper and disposition of our souls, that no unholy thoughts, unlawful designs, or inordinate desires may rest there. Purge our hearts from envy, hatred, and malice, that we may never suffer the sun to go down upon our wrath, but may always go to our rest in peace, charity, and good will, with a conscience void of offense toward Thee and toward men. Grant this, we beseech Thee, for the sake of Him who is our Master and our Savior, Jesus Christ, Thy Son, our Lord, Amen.

The Chief Clerk proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

### MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the enrolled bill (H. R. 8227) authorizing the Sunbury Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Susquehanna River at or near Bainbridge Street, in the city of Sunbury, Pa., and it was thereupon signed by the Vice President.

### CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Ashurst	Ferris	McKellar	Shipstead
Barkley	Fess	McLean	Shortridge
Bayard	Fletcher	McMaster	Smith
Bingham	Frazier	McNary	Smoot
Black	George	Mayfield	Steak
Blaine	Gillett	Mercalf	Stelwer
Blease	Glass	Moses	Stephens
Borah	Gooding	Neely	Swanson
Bratton	Gould	Norbeck	Thomas
Brookhart	Greene	Nye	Tydings
Broussard	Hale	Oddie	Tyson
Bruce	Harris	Overman	Wagner
Capper	Harrison	Phipps	Walsh, Mass.
Caraway	Hayden	Pine	Walsh, Mont.
Copeland	Heflin	Pittman	Warren
Couzens	Howell	Ransdell	Waterman
Curtis	Johnson	Reed, Pa.	Wheeler
Cutting	Jones	Robinson, Ark.	Willis
Dale	Kendrick	Robinson, Ind.	
Deneen	Keyes	Sackett	
Dill	King	Schall	
Edge	La Follette	Sheppard	

Mr. ROBINSON of Arkansas. I wish to announce that the Senator from New Jersey [Mr. EDWARDS] is necessarily detained from the Senate by illness in his family.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

### LANDS FOR LIGHTHOUSE PURPOSES

The VICE PRESIDENT laid before the Senate a communication from the Acting Secretary of Commerce, transmitting a

draft of proposed legislation "to authorize the Secretary of Commerce to dispose of certain lighthouse reservations and to acquire certain lands for lighthouse purposes," which, with the accompanying papers, was referred to the Committee on Commerce.

PETITIONS AND MEMORIALS

Mr. DILL presented a petition of sundry citizens of the State of Washington, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. PHIPPS presented a petition of sundry citizens of Hayden, Colo., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. SHEPPARD presented a resolution adopted by the St. Louis Catholic Society, of Castroville, Tex., protesting against the treatment of Catholics in Mexico and urging our Government to use its good offices so as to promptly bring about a peaceful solution of the situation, which was referred to the Committee on Foreign Relations.

He also presented a petition of sundry citizens of San Antonio, Tex., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. FRAZIER presented the petition of Viola Hezel Wishek and 30 other citizens of Ashley, N. Dak., praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which was referred to the Committee on Pensions.

Mr. DENEEN presented petitions of sundry citizens of Chicago and Tuscola, in the State of Illinois, praying for the prompt passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

Mr. CURTIS presented resolutions adopted by the Order of United Commercial Travelers of America, at Salina, Kans., favoring the adoption of measures for the further and better control of radio broadcasting, which were referred to the Committee on Interstate Commerce.

Mr. WALSH of Massachusetts presented 20 letters in the nature of petitions from sundry citizens of Marblehead, Mass., praying for the passage of the so-called Brookhart bill (S. 1667), relative to the distribution of motion pictures in the various motion-picture zones of the country, which were referred to the Committee on Interstate Commerce.

Mr. COPELAND presented a resolution adopted by the American Cider Vinegar Manufacturers' Association at Rochester, N. Y., protesting against the passage of legislation which would permit the use of dextrose or levulose in the manufacture of prepared foods without declaration upon the labels, which was referred to the Committee on Manufactures.

He also presented a resolution adopted by the county committee of the New York County organization of the American Legion, favoring the passage of pending legislation "to send the Gold Star Mothers on a pilgrimage to the graves in France," which was ordered to lie on the table.

He also presented a telegram in the nature of a memorial from the Buffalo (N. Y.) Radio Trades Association, signed by Elmer C. Metzger, president, remonstrating against amendment of existing radio legislation, which was referred to the Committee on Interstate Commerce.

He also presented a resolution adopted by the board of directors of the Social Hygiene Society of the District of Columbia, favoring the passage of the bill (H. R. 6664) to establish the woman's bureau of the Metropolitan police department of the District of Columbia, etc., which was referred to the Committee on the District of Columbia.

Mr. JONES presented a memorial of members of the East Sixty-fourth Street Methodist Episcopal Church, of Tacoma, Wash., remonstrating against adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented a resolution adopted by the city commissioners of Bremerton, Wash., favoring the passage of the so-called Dale-Lehbach bill, relative to the retirement of civil-service employees, which was referred to the Committee on Civil Service.

He also presented a memorial numerous signed by sundry citizens of Yakima and vicinity, in the State of Washington, remonstrating against the passage of legislation providing for compulsory Sunday observance in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented petitions of members of the Federated Teachers of the public schools of Tacoma, and of sundry citizens of Tacoma, Seattle, and Wenatchee, all in the State

of Washington, praying for the passage of legislation creating a Federal department of education, which were referred to the Committee on Education and Labor.

Mr. McLEAN presented a letter in the nature of a petition from the Manufacturers Association of Connecticut (Inc.), of Hartford, Conn., favoring the passage of the so-called Brown forestry bill, authorizing an appropriation of \$75,000 for three years to be used in the study of paper-mill wastes, which was referred to the Committee on Agriculture and Forestry.

He also presented a resolution of the Hartford (Conn.) Chapter, Reserve Officers Association of the United States, favoring the adoption of the proposed naval building program, which was referred to the Committee on Naval Affairs.

He also presented papers in the nature of memorials from the congregation of Immanuel Congregational Church and the Young Woman's Christian Association, both of Hartford; Grange No. 91, Patrons of Husbandry, of Seymour; and Everyman's Bible Class, of the Wethersfield Congregational Church, of Wethersfield, all in the State of Connecticut, remonstrating against the adoption of the proposed naval building program, which were referred to the Committee on Naval Affairs.

He also presented petitions of Williams Post, No. 55, Grand Army of the Republic; H. C. Latham Camp, No. 19, Sons of Union Veterans of the Civil War; Relief Corps Volunteers, No. 12; and Phoebe Rathbun Tent, No. 3, Daughters of Union Veterans of the Civil War, all of Mystic, Conn., praying for the passage of legislation granting increased pensions to Civil War veterans and their widows, which were referred to the Committee on Pensions.

He also presented memorials of Uncas Council, No. 25, Order United American Mechanics, and the Bridgeport Savings and Loan Association, both of Bridgeport, Conn., remonstrating against the passage of Senate bill 1752, to regulate the manufacture and sale of stamped envelopes, which were referred to the Committee on Post Offices and Post Roads.

INJUNCTIONS BY COURTS

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD and referred to the Judiciary Committee a telegram from the Knoxville Central Labor Union in reference to injunctions.

There being no objection, the telegram was referred to the Committee on the Judiciary and ordered to be printed in the RECORD, as follows:

KNOXVILLE, TENN., March 2, 1928.

Hon. K. D. McKELLAR,

Senate Office Building, Washington, D. C.:

Following resolutions passed at mass meeting, unanimous:

"Whereas there is pending in Congress the Shipstead anti-injunction bill; and

"Whereas this bill is directed to prevent the use of the injunction in restraint of liberty and to abolish government by injunction: Therefore be it

*Resolved*, We, the representatives of the organized labor movement of Knoxville and vicinity, do indorse the Shipstead anti-injunction bill and call on our Senators from this State and Representative in Congress from this district to support this bill by their voice and vote.

"Whereas the American Federation of Labor is making efforts to secure legislation that will enable the States to obtain relief from convict-labor competition;

"Whereas many industries as well as free labor are suffering from the use of this unfair competition of the inmates of penal and reformatory institutions;

"Whereas there is pending in Congress the Cooper-Hawes bill, which will abolish this unfair competition and subject all convict-made goods sent into a State to the laws of such State, and thereby protect the free manufactures and free labor: Therefore be it

*Resolved*, That the representatives of organized labor in Knoxville and district in mass meeting do indorse the Cooper-Hawes bill and call on our Senators from this State and Representative in Congress from this district to support this bill by their voice and vote."

KNOXVILLE CENTRAL LABOR UNION,  
SAM C. GODFREY, President.

ADMINISTRATION OF VETERANS' BUREAU

Mr. ROBINSON of Arkansas. Mr. President, I ask leave to have printed in the RECORD at this point in connection with my remarks a letter which I have received from John G. Pipkin, commander of the American Legion, Department of Arkansas, Some time ago, pursuant to the custom which prevails here, there was printed in the RECORD at my request Concurrent Resolution No. 11, adopted by the General Assembly of the State of Arkansas, reflecting on certain features of the administration of the Veterans' Bureau. The letter from Commander Pipkin has relation to the subject matter of that resolution, and I ask that the letter be given the same publicity that was

given the resolution, and that therefore it be printed in the RECORD at this point.

There being no objection, the letter was referred to the Committee on Military Affairs and ordered to be printed in the RECORD, as follows:

THE AMERICAN LEGION, DEPARTMENT OF ARKANSAS,  
Little Rock, Ark., February 19, 1928.

Hon. JOE T. ROBINSON,  
United States Senator, Washington, D. C.

MY DEAR SENATOR: Some time ago Watson B. Miller, chairman of the American Legion legislative committee in Washington, D. C., wrote me relative to the merits and history of House Concurrent Resolution 11, which you had recently introduced in the Senate. No doubt this resolution was simply handled by you as a matter of routine, you presuming that it was a part of the regular Legion legislative program or the bona fide wish of the Arkansas Legislature. I believe a review of the facts will reveal that it represents neither of the above.

The Department of Arkansas did not sponsor this Resolution 11 last year, nor did they know that any such resolution had been introduced. The United States Veterans' Bureau did not know of any such either. The resolution did not authorize its circularization, but the secretary finally sent you one upon the insistent urging of its author, Mr. Walter M. Purvis, a local lawyer.

Regardless of the above, I would be in favor of the resolution if I thought it was necessary or justified in the premises. But in this case I feel sure that there are no reasons for any such resolution ever being introduced. The Veterans' Bureau have regularly constituted examining boards to pass on mental and other cases. They have reviewing boards. And, besides, we have the civil courts, where writs of habeas corpus can be availed of if necessary. No one wants to put a sane man in the hospital out at Fort Roots. However, the majority of men out there claim that there is nothing the matter with them, which is readily understood by all of us.

Mr. Purvis, some time back, was interested in getting a man out of hospital No. 78 who was being held as an insane man. He had killed two men in the Army. Upon being released via the habeas corpus route he proceeded to attempt to kill another man, but fortunately his aim was bad. He now is in the State Hospital for Nervous Diseases. So this is the only case that any of us know about which could serve as the basis for the Resolution No. 11.

Since there will likely arise some suspicion against the local Veterans' Bureau, which will be entirely unjust, if this Resolution 11 goes through and gets publicity, I am suggesting and recommending that you withdraw same from the Senate files. I feel that any such proposed legislation should come through national channels, for it is not local in its application. The American Legion and the Arkansas Service Bureau are here to help ex-service men in all matters, and no such complaints as indicated in the Resolution 11 ever came to our attention.

In closing, I wish to express to you the great appreciation that the American Legion, Department of Arkansas, feels toward you, for you have always been ready to serve us both in and out of the Halls of Congress.

With best wishes and regards, I am,

Sincerely yours,

JOHN G. PIPKIN,

Commander American Legion, Department of Arkansas.

#### RADIO CONTROL BILL

Mr. WALSH of Massachusetts. Mr. President, for several days I have received telegrams and letters from sundry citizens of Massachusetts protesting against that section of the new radio control bill pending before the House providing for equal wave lengths and equal power in each of the five radio zones. I ask that these letters and telegrams be treated as petitions and be referred to the Committee on Interstate Commerce.

The PRESIDING OFFICER (Mr. WILLIS in the chair). That reference will be made.

Mr. WALSH of Massachusetts. I also present a letter typical of complaints made to me, and ask to have it printed in the RECORD, together with a letter from a Federal radio commissioner.

The PRESIDING OFFICER. Without objection, the letters will be printed in the RECORD.

The letters are as follows:

WESTWOOD, MASS., February 27, 1928.

Senator DAVID I. WALSH,  
Senate Office Building, Washington, D. C.

MY DEAR SENATOR: In this evening's Boston Traveler there appears an article to the effect that there is now before Congress a radio bill which, if enacted into law, will cripple the broadcasting stations and systems of this section of the country by reducing the powers of the stations so that many of them will only be heard about 1 mile away. I inclose the clipping so that you may understand what the article is about.

I wish to say that if this new radio bill is to have any such provisions as stated in the clipping I wish to go on record as most emphatically protesting against the enactment of this bill, and I hope that you will see your way clear to use your powers to defeat this bill as far as it lies in your ability to do so.

It seems to me that the public investment in radio sets is now too great to have bills passed that will make this vast investment useless by making it impossible to hear anything on them.

I might say that instead of doing this there should be some effort made to lessen the heterodyning of stations every time there happens to be a night favorable for distance reception by reducing the number of radio stations as fast as this legally becomes possible. The remaining stations should be made to keep up a certain standard of excellence in the quality of their transmission and their program. If some of these stations had to furnish a definite quality of program they would soon quit, and that would leave so much more room for real musical programs.

While writing, I might say that I wish to go on record as being opposed to any tax on radios or broadcasting, as I believe that our present admirable broadcasting systems can continue to carry on without the support of the Government, and the revenues of the Government seem ample to properly control the broadcasters from attempting a monopoly of the thing, if properly exercised powers are used with discretion and common sense.

Very sincerely yours for better broadcasting,

RICHARD ROGERS.

FEDERAL RADIO COMMISSION,  
Washington, D. C., March 1, 1928.

Hon. DAVID I. WALSH,  
United States Senate, Washington, D. C.

DEAR SENATOR WALSH: Answering your letter of February 29, concerning the telegram reading as follows:

"We protest against cancellation of licenses of Massachusetts radio stations. Will you please help?"

I know of no cancellation of licenses of Massachusetts radio stations by the commission. There is, however, now pending before the House of Representatives the amended bill reported favorably by its Committee on Merchant Marine and Fisheries, which would provide for equalizing the radio power and stations in the five radio zones. Under this rearrangement, a rough calculation shows that Massachusetts would have its present power of 19,000 watts cut to 3,750 watts, and its 18 stations cut to 8 stations, in order to put New England on the same basis as certain States in the South which have very few radio stations and very few radio listeners. This clause will have the effect of destroying stations in Massachusetts and throughout the North, East, and West—stations which are serving the South in the absence of their own stations. As you are aware, the commission can not order stations to be built unless applications are made. There have been few applications from the South, since, as you realize, radio stations are costly. To erect a 5,000-watt station costs about \$150,000, and an equal sum is required for its operation each year.

It is my hope that the clause referred to, and which your correspondent evidently has in mind, will not be passed by the House, and certainly I trust that it will be held up by the deliberate good judgment of the Senate.

Very truly yours,

O. H. CALDWELL, Commissioner.

Mr. MCKELLAR. Mr. President, in that connection I want to say that I have received a large number of letters and telegrams from my part of the country, protesting most vigorously against the unequal division of radio wave lengths, and asking that the bill which is passed grant equal privileges and rights to the various parts of the country.

Mr. WALSH of Massachusetts. I think the Senator will find that the letter from the radio commissioner will give him information that he does not now possess.

Mr. MCKELLAR. I hope it will. I have a letter from the commissioner which does not give me that hope.

#### REPORTS OF COMMITTEES

Mr. JONES, from the Committee on Commerce, to which was referred the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, reported it without amendment and submitted a report (No. 448) thereon.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which was referred the resolution (S. Res. 51) requesting the Secretary of Agriculture to report to the Senate at the beginning of the second regular session of the Seventieth Congress his views as to whether the insurance of the farmer by the Federal Government against droughts, floods, and storms would be consistent with sound governmental and economic policy, reported it with an amendment and submitted a report (No. 449) thereon.

He also, from the same committee, to which was referred the bill (S. 1731) to provide for the more complete development of vocational education in the several States, reported it with amendments and submitted a report (No. 451) thereon.

Mr. REED of Pennsylvania, from the Committee on Military Affairs, to which was referred the bill (H. R. 7008) to authorize appropriations for the completion of the transfer of the experimental and testing plant of the Air Corps to a permanent site at Wright Field, Dayton, Ohio, and for other purposes, reported it without amendment and submitted a report (No. 450) thereon.

Mr. DALE, from the Committee on Commerce, to which was referred the bill (H. R. 9484) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tombigbee River, at or near Aliceville, on the Gainesville-Aliceville road, in Pickens County, Ala., reported it with amendments and submitted a report (No. 457) thereon.

He also, from the same committee, to which were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (H. R. 8899) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River at or near Epes, Ala. (Rept. No. 458);

A bill (H. R. 8900) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free bridge across the Tombigbee River near Gainesville on the Gainesville-Entaw road between Sumter and Green Counties, Ala. (Rept. No. 459);

A bill (H. R. 8926) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across Red River near Garland, Ark. (Rept. No. 460);

A bill (H. R. 9019) granting the consent of Congress to the State Highway Commission of Arkansas to construct, maintain, and operate a bridge across the Ouachita River at or near Calion, Ark. (Rept. No. 461);

A bill (H. R. 9063) to extend the times for commencing and completing the construction of a bridge across the Chattahoochee River at or near Alaga, Ala. (Rept. No. 462);

A bill (H. R. 9204) granting the consent of Congress to the Arkansas Highway Commission to construct, maintain, and operate a free highway bridge across the Current River at or near Success, Ark. (Rept. No. 463); and

A bill (H. R. 9339) granting the consent of Congress to the board of county commissioners of Trumbull County, Ohio, to construct, maintain, and operate a free highway bridge across the Mahoning River at Warren, Trumbull County, Ohio (Rept. No. 464).

#### COL. CHARLES A. LINDBERGH

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably without amendment the bill (H. R. 10715) to authorize Col. Charles A. Lindbergh, United States Army Air Corps Reserve, to accept decorations and gifts from foreign governments, and I ask unanimous consent for its immediate consideration.

There being no objection, the bill was considered as in Committee of the Whole and it was read, as follows:

*Be it enacted, etc.,* That Col. Charles A. Lindbergh, United States Army Air Corps Reserve, is hereby authorized and permitted to accept decorations, medals, certificates, or gifts which have been heretofore or may hereafter be tendered him in recognition of services, exploits, or achievements, by the government of any foreign state with which the Government of the United States was at the time of such tender and acceptance on friendly terms; and the consent of Congress required therefor by clause 8 of section 9 of Article I of the Constitution is hereby expressly granted.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. JONES. Mr. President, I did not object to the consideration of the bill which has just been passed, but I regret its passage. I hope that Colonel Lindbergh will respectfully decline to accept any decorations under it. It would detract from what he has done and from what he has shown himself to be. He needs no decoration. He is loved and admired by more people than any man in the world's history, not so much because of his wonderful exploit but because of what he is and the genuine man he shows himself to be.

#### AGRICULTURAL RELIEF

Mr. McKELLAR. Mr. President, I ask unanimous consent to have printed in the RECORD an article by Robin Hood, appearing in the Cooperative Marketing Journal for January, 1928, relative to cooperative marketing.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

#### THE "CO-OP BUSTERS"

(By Robin Hood)

The fight against the cooperatives, unprincipled and bitter, old as the oldest association, has suddenly taken on a new aspect. Instead of the sly tactics which have characterized most of the efforts to stem the steadily rising tide of farmers' cooperatives, dealer interests have now combined for an open national warfare calculated to destroy the legal foundations of the movement. Talking in terms of a million-dollar budget, and with plans to influence Congress and the Supreme Court, a new organization has been formed to plan and direct the battle. It is known as the Federated Agricultural Trades of America, has established headquarters in Chicago, and claims to represent dealers interested in the following commodities: Grain, cheese, vegetables, eggs, butter, fruit, tobacco, sugar, potatoes, livestock, cotton, wool, flour, ice cream, milk, and poultry.

But this is getting ahead of the story. Let us start at the Palmer House, in Chicago, November 30.

It was a conference of 200 middlemen with sore fingers. They were crying because the economic development of the Nation had forced farmers to push open the door of cooperative marketing, and the door had slammed their fingers as it swung back.

Presiding was a man from Salt Lake City, W. F. Jensen. He owns a string of creameries in the far West. Somebody said this chief of the "co-op busters" called his plants the Mutual Creameries. Ironical! His is an upstanding case of sore fingers, for the Challenge Cream and Butter Association, farmers' cooperative, has entered his territory and is serving farmers so well that Mr. Jensen declares in his official address: "We must \* \* \* protect the billions of dollars of invested capital which we represent."

There were a multitude of sore fingers among the rest of the creamery representatives. In fact, the American Association of Creamery Butter Manufacturers sponsored the meeting. A man from the Land O' Lakes region, who omitted to give his name, solemnly pointed out that the cooperatives were destroying private business—the "very root of modern civilization." The anæmic-looking Wisconsin man sitting beside me leaned my way and whispered: "He's sure right. He's lost thousands in the last couple of years, and I haven't had a good month since that damn Land O' Lakes outfit started in my town." All of which is a splendid testimonial for the Land O' Lakes Creameries (Inc.), which is apparently rendering a service that the farmer thinks is more satisfactory than that of the man who was speaking. All told, the speeches by butter manufacturers proved hundreds of private creameries are being left high and dry by the transfer of farmers' patronage to cooperative creameries.

Another sore finger appeared when a man introduced as L. B. Kilbourne, of Minneapolis and Chicago, arose. The obliging gentleman on my right informed me that Mr. Kilbourne was a big produce man, owner of the largest cold-storage plant in Chicago. Kilbourne agreed that American business and the American Nation would rapidly go to the bow-wows unless something was done about the co-ops. He buys poultry products in the territory where the Lake Region Co-operative Egg and Poultry Association is enjoying a thriving business.

Mr. Kilbourne said cooperatives were all right as long as small groups remained small, but when they got together into large groups they were obnoxious to private business.

Then there appeared one Charles Droste, introduced as one of 12 representatives of the New York Mercantile Exchange—a dozen plaintiff cases of sore fingers. Said Charlie was given a great ovation for declaring, "These cooperatives are not an economic movement, but are a political and agitators' movement. We must save the farmer from himself by telling him all the truth, so he'll know what this is all about."

#### WEIRD CHARGES MADE AGAINST COOPERATIVES

A native son, named Bell, gained the floor. Possessed of all the appurtenances of an orator, except a stump to stand on, this Californian assured us that there was no place in the world so pleasant to live in as Long Beach. It was to be gathered that he had made enough handling farm products for Iowa farmers to be able to devote real attention to the evils of cooperation.

"The cooperatives are the result of professional agitators and weak sisters," he assuaged the burned fingers. "Weak sister farmers have allowed professional agitators to make them believe they are not getting a square deal." With a brilliant flight of oratory, he made a nonstop trip clear across the Atlantic and landed hard upon poor unsuspecting Denmark. That little country is morally dead, he said, and proved it—to his satisfaction—by pointing out that Denmark stayed out of the World War! And why? "The patriotic life of Denmark is dead, because of its socialistic cooperative notions of agricultural trade!"

Before the meeting ended we had been told that cooperation is also communism, bolshevism, fascism, and, capping the climax, dictatorship. The middleman system alone is democratic! It was exceedingly unfortunate that professors of political science were not present;

a new crop of textbooks would doubtless have been inspired. Then, too, a political scientist might have been able to explain away the incongruity of cooperation being both a form of communism and a form of dictatorship, to say nothing of the democracy of middlemen.

#### DEALERS IN LIVESTOCK AND GRAIN MOST VEHEMENT

But there were other sore fingers in attendance. The livestock exchanges were well represented and paid their compliments to the various Producers and Farmers' Union terminal cooperative commissions. "Fight this great growing menace!" pleaded a Mr. Laverly, from Omaha, who had seen his business gradually slipping away to the cooperatives during the past 10 years. A livestock exchange official, whose name was lost in a rumble of applause, was called upon to expose a bureaucratic monster within the United States Department of Agriculture—the Bureau of Agricultural Economics in general and the division of cooperative marketing in particular.

His pet peeve was the fact that the bureau had usurped certain holy functions of the livestock exchange, specifically the distribution of statistical information regarding prices and movements of livestock. He was distinctly agitated because "the Government is wasting millions of dollars trying to duplicate information with which the livestock exchanges have been serving farmers for generations." He omitted to say that Congress instructed the bureau to disseminate this statistical information because Congressmen had discovered the livestock exchanges' information to be not always altruistically reliable. Doubtless, this was an unintentional and inadvertent omission, but it is not as easy to understand his omission to say that Congress enacted the packer and stockyards control legislation because its investigators discovered many ways in which the farmers' accounts were plundered at the livestock terminals.

If the livestock dealers had sore fingers, the grain dealers had sore thumbs. A dignified prosperous-looking Babbitt was called to the platform and was introduced as Charles Quinn, secretary of the National Grain Dealers Association. He pointed out that cooperative associations were taking business away from private agencies, including country and terminal elevators, thus leaving the owners of millions of dollars' worth of physical property stranded high and dry with facilities either empty or far short of capacity. This amounted to confiscation. But this was not the worst of the story, according to this altruistic secretary, for farmers were being bumfuzzled by agitators to embark upon a plan of marketing "which we as business men know can not succeed." For these two reasons he said, "You men must abandon your business, if necessary, to give the attention to these things demanded as the result of these cooperatives and the enabling activities of bureaucrats in Washington."

#### COOPERATION CALLED MOST DANGEROUS THEORY OF LIFETIME

One of the speakers was worried about taxes. Apparently he had been working on some tax returns and couldn't find satisfactory ways to evade high income taxes on his profits. He encouraged the assembly to believe that the cooperatives were exempt from taxes, omitting to say that cooperatives pay thousands upon thousands of real estate and indirect taxes yearly. He tried to create a stir over the fact that cooperatives pay no income taxes, losing sight of the fact that cooperatives are nonprofit organizations and therefore can not have incomes. Perhaps the speaker knew this, but, if so, he didn't choose to tell. Some one might have shown him that he wouldn't be required to pay any income tax either if he followed the example of the cooperatives and paid back all his profits to the farmers.

Another victim of sore fingers, an officer of a grain exchange, was given the floor. If we heard correctly, his name was Patterson, but the meeting was so well warmed up by this time that every speaker was applauded before and after talking, and one who acted merely as a spectator in a back seat couldn't hear names clearly. This self-styled friend of the grain farmer began on the defensive with the bromide of 50 years of good standing: "The grain exchanges are as near perfect as it is possible to make them." Then a second bromide salt: "Cooperation is radical and socialistic. It is the most dangerous theory ever brought to this country during my lifetime. The cooperatives have seized Washington because heretofore you haven't had the guts to fight them. They are attempting by bureaucratic government to petrify private business and economic law."

#### DEALERS EXPRESS PREFERENCES FOR PRESIDENT OF UNITED STATES

It was an oration that shook the walls, and the 200 cases of sore fingers applauded until there were 200 cases of sore hands. It was a glorious speech. The lid was off. Everyone of the 200 was ready to prove that he had the "guts" to fight for the inalienable right to extract a toll from the farmer's products and for the inalienable right of the deluded farmer to have protection from the activities of professional organizers and salaried bureaucrats.

Of course, there were a few discordant notes. One man gained the floor, presumably to tell why cooperatives should be dissolved, but instead made an eloquent speech nominating Herbert Hoover for President of the United States. For a time the 200 forgot their business and convened a political convention. Al Smith was nominated for the Democrats; and then Reed and even Ritchie. Seemingly nobody in the group wanted as out-and-out co-op friend as Lowden. Finally, Calvin Coolidge was

renominated and the 200 delegates returned to the pressing business of ministering to sore fingers.

Another somewhat discordant note was sounded by F. M. Hudson, manager of the Los Angeles produce exchange. He wanted it thoroughly understood that he personally was strong for the program of busting co-ops but that some rather prominent members of his exchange were cooperatives and, therefore, as an official, he was compelled to remain silent. This, of course, proved a good testimonial for all of southern California's cooperatives.

#### FARMERS TELL THEM THEY'RE FAR BEHIND THE TIMES

Among the organizations officially represented was the Illinois Manufacturers Association, which had delegated Charles A. Ewing as its spokesman—a very serious blunder on the part of the ring leaders of the Palmer House circus and perhaps a choice bit of humor displayed by the Illinois manufacturers, for Mr. Ewing is a director of the Chicago Livestock Producers Association. Well, when Mr. Ewing was invited to speak he told tales out of school.

"We farmers have lost more in this past five years than all the money invested in your businesses," he told the assembly. "Farmers have been getting such a small part of the ultimate value of their products that they have been compelled to go after a part of the distributive profits. The development of agriculture from the primitive to the commercial stage has brought about changed conditions. The trouble is that private business in the marketing end has not kept up with the changes, and alert men from the marketing system itself have gone with the cooperatives and helped develop them—and in doing so left the rest of you fellows behind. It is not the work of agitators nor the assistance of Government bureaucrats that pushed your old methods of business out, but it is the efficiency of the cooperative system itself."

It was a bitter pill for some of the 200 to swallow, but the program was too well staged and the plans too thoroughly mapped out in advance for such remarks to prove much of a deterrent. Nevertheless, Mr. Ewing did spoil any hopes for good publicity the co-op busters may have had, for the Chicago Tribune next day briefly reported the meeting under the headline: "Story of lost farm billions wins aid of business men."

#### CHAIRMAN JENSEN STATES PURPOSE OF DEALERS

The shrewdest speech of the meeting was made by the chairman, W. F. Jensen, who, it was generally understood, would get ample compensation as long as the new organization carries on its crusade of co-op busting. He presented a written speech crammed with artful combinations of words, skillful innuendo, and ingenious inferences. His speech deserves more attention than the rest for the simple reason that he tried to camouflage his program of co-op busting with a screen of propriety and righteousness, as evidenced by his statement of purpose in the following paragraphs:

"The purpose of this conference, as stated in the call, is not to make a fight on agricultural cooperation. We are not opposed to agricultural cooperation kept within legal and constitutional limits, and which is a genuine attempt made by farmers to better themselves.

"We believe, however, that this issue and all cooperative farmer development should stand on its own feet in order to be and constitute a sound and meritorious effort in our economic life.

"We are opposed to the cooperative issue and this new development if it requires artificial stimulation or Government subsidies, which must be carried in part or as a whole by the taxpayers in other lines, or by competitive business. We believe such a program is entirely foreign to our American traditions and unworthy of adoption.

"Agricultural cooperation, expressed in a genuine attempt of producers to assemble and market their own products, or to improve their condition, is the right and privilege which they possess as citizens of our great Republic and under our Constitution, and if they succeed and by reason of their success eliminate and perhaps destroy some established enterprise there is nothing to be said by our side.

"However, this expression for a change, or the farmer's desire in any community resulting in actually substituting cooperative marketing for individual enterprise, should not be the result of propaganda and the strenuous urge going out from our Department of Agriculture in such a continuous stream, or by reason of work done by the multitude of public servants employed for that purpose. And those laws which show class favoritism should be repealed or declared unconstitutional.

#### CHARGE THAT COOPERATION IS NOT FARMERS' SELF-EXPRESSION

"It is not right that our Federal and State Governments, aided by legislation as they have been, should render special service in order to build competitive business, partially, if not wholly tax exempt, or to aid and develop any form of business which has the effect of depriving anyone of his property and other constitutional rights.

"It is unfortunate that any part of business should become involved in politics, but that is the situation confronting us now. We can not underestimate the formidable forces back of the cooperative marketing of agricultural products, which forces have become a menace to invested capital and the established way of handling farm products.

"The present issue, which is backed so strongly by our Government, is decidedly different from the cooperative development we have had

with us for many years. The issue now is that of cooperative marketing—not in a small way, but on a national scale, and in the big terminal markets—for the purpose of establishing producer control of value, it may be said, without regard to the principle of supply and demand.

"It would seem that under the guise of farm relief this plan, which has strong support, might lead to the use of public funds and that the outcome is questionable and might lead to great disaster.

"The cooperative-marketing development can not be said to be a genuine producer demand. Only here and there is that true. It is a political question, sponsored by politicians and professional organizers, both influencing the administration as an offset to the unrest among our farmers and producers, due to their inability to meet the world's competition in the marketing of surplus products."

#### ASSUMING 2,000,000 FARMERS HAVE BEEN HOODWINKED

The danger of such arguments as Mr. Jensen makes in the above paragraphs lies in the pure ingenuity for distortion of facts. The careless thinker might easily pass over Jensen's false premise, and, assuming it, think he had stated a justifiable case for those middlemen whose businesses had suffered. The fact of the matter, however, is that when Jensen assumes that the cooperative movement is not the farmers' self-expression but is the work of propagandists and professional organizers, he is laying down a brazen premise that insults the intelligence of every man who has observed the movement. The inference that more than 2,000,000 American farmers can be hoodwinked and kept hoodwinked for many years by professional propagandists and organizers is too preposterous for much discussion. Yet Jensen's whole argument is more or less based on this notion that agricultural cooperation is not the result of the desires of the producers themselves.

Of course cooperatives have received encouragement from official Government agencies; the same is true of the cooperatives in every nation on the face of the earth. But nearly 2,000,000 farmers were cooperative members before the Federal Government ever established a division to deal with the movement. Moreover, the aid and encouragement is of a very proper kind. Government agencies in this country do not organize cooperatives, but they do tell how not to organize. The effort of the Division of Cooperative Marketing is directed toward the dissemination of information that will insure the cooperative movement of developing along sound lines and not unsound lines. Mr. Jensen therefore gives the lie to his own words when he opposes the work of this particular division, as he did at another point in his speech.

The real motive of Mr. Jensen's ache doubtless lies in the paragraph above, where he said: "The issue now is that of cooperative marketing—not in a small way, but on a national scale."

#### OBJECTION ONLY TO LARGE-SCALE COOPERATIVES

As long as little cooperatives remained little they had no sales outlets except through private dealer agencies in the terminals and central markets. Organized as locals, the cooperatives were just a very convenient agency to assemble farm products for the big dealers, and the big dealers welcomed them. As long as cooperatives remained locals they only suffered the opposition of local dealers, but now that the associations are regional and national they conflict with the business of regional and national dealers. The larger cooperatives grow, the larger are the dealers affected, of course. Until a few years ago only the little fellows fought cooperatives, but now the bigger ones are coming into the fray. Jensen's position is just as much as to say: "A little cooperative is a good thing, but a big cooperative is not." The fallacy of the view is self-evident.

A large portion of the speech was devoted to Denmark. The following extract illustrates the speaker's adroit effort to make capital out of nothing:

"There is no question that Denmark has reached a high state in its agricultural development, and can teach a good many lessons in farming. Cooperation started in Denmark about 40 years ago and since then most of the Danish farmers, not all, have associated themselves in many enterprises. They have cooperative creameries, egg-packing and meat-packing plants, feed stores, merchandise stores, and many other branches, including banks, insurance societies, etc. The result of the farmer's entrance into business in Denmark was, of course, the almost complete elimination of commercial life as carried on by individuals, especially in the small towns and villages throughout Denmark.

"Whether the Danish farmer is receiving more for his product by reason of cooperation than he would otherwise receive, I can not say. He is, of course, governed by the world's market; but he has improved the quality of his product and he has established a high standard of efficiency in his dairy herds and other livestock."

#### WHAT WAS IT THAT BUILT DANISH AGRICULTURE?

Needless to say, Jensen did not choose to point out the moral of each paragraph. The first evident fact is that the cooperative marketing system in Denmark was so much more efficient and satisfactory to the producers than the private agencies handling farm products, that the dealer interests were unable to withstand the competition. A better evidence of the soundness of the cooperative system would be hard to find.

In the second paragraph Jensen attributes Danish agricultural success to standardization and improvement in the quality of products. Ab-

solutely true! The greatest benefit in cooperation is that cooperatives standardize their products, educate farmers to produce higher-quality products, pay them in accordance with grade, and provide a genuine money motive for producing high-quality products instead of grades calculated merely to "get by." Illustrating this point further, wheat growers knew little or nothing of the desirability or profit in producing high-protein content wheat until the cooperatives began to recognize this real criterion of milling value. Similarly, cotton growers generally knew practically nothing of the grade and staple values of various varieties until the cotton pools started operations. Grading of livestock for the direct benefit of the producer is relatively new, brought on by the cooperative movement. And so on, through the list of commodities down to the outstanding cases of the fruit and vegetable groups, it is possible to show that standardization is one of the foremost purposes of cooperation. In fact, there is an old saying in the literature of the movement: "Organize, standardize, and merchandise." Mr. Jensen made a damaging admission when he credited Danish success to standardization, because by so doing he credited it to cooperation.

#### JENSEN SAYS HE IS INSPIRED BY PATRIOTISM

Another paragraph of the speech deserving special attention is the following scintillating passage:

"In conclusion, let me say that I believe we must prepare ourselves to encounter these new ideas and suggested changes in our business life. \* \* \* We must do this, not merely for selfish reasons, in order to protect the billions of dollars of invested capital and upwards of a million workers which we represent, but for patriotic reasons, in order to avoid a great national disaster."

Inasmuch as Mr. Jensen and other dealers with sore fingers are the only ones in this wide and great Republic who fear that disaster will befall the Nation unless the cooperatives are "busted," we are confident that patriotism hardly explains the crying and bawling of those in attendance at Mr. Jensen's sore-finger party. The true explanation rests in the fact that Mr. Jensen and the others have a few dollars invested in private businesses that are unable to render a service to farmers comparable with the service of the cooperatives, and, as a consequence, are succumbing to an inevitable tide of changing economic conditions.

The immediate plan of the Federated Agricultural Trades is to send a lobby to Congress and to employ attorneys who will contest the validity of the Capper-Volstead Act, and will endeavor to set aside the cooperative marketing act of 1926, which established the division of cooperative marketing. Besides doling out a mass of propaganda that will be laughed at, we see little that the "co-op busting" Federated Agricultural Trades of America can do. Neither is there anything for the cooperatives to do except to keep a weather eye on the lookout and wait the passing of this little blow.

The resolutions tell little of what is to come. The original draft presented in the call for the meeting was deleted of much of its venom, and when the resolutions committee returned with its long-delayed report the following resolutions were adopted without discussion:

#### TAME RESOLUTIONS ADOPTED BY DEALERS

"1. Preamble. Believing that the welfare of America is inseparable from the welfare of its agriculture; that the unsettled agricultural condition is at the present time creating a disturbance in general business and is tending to create bureaucratic control—un-American in principle—in place of individual initiative and activity, and being desirous of equalizing the benefits that should accrue to all lines of legitimate business; and

"2. Whereas the Agricultural Trades of America represent several million dollars of invested capital, and the activities of more than a million American citizens, who have made their investments and contributed their share toward the social, agricultural, industrial, and commercial life of America, based upon the traditions of the past and on the rights of individuals as set forth in the Constitution of the United States and in harmony with the inventions and methods of modern times; and

"3. Whereas while we recognize the right which producers have to associate themselves together for the purpose of marketing the products of their own labor, we are opposed—as class legislation—to the Capper-Volstead Act, which has permitted producer associations to deal in nonmember production, thereby becoming traders and having immunity from our trust and tax laws; and

"4. Whereas we are opposed to the work being done by the Department of Agriculture through the Bureau of Cooperative Marketing, the Bureau of Agricultural Economics, the many county agents throughout the United States, and other Federal and State agencies, so far as it threatens to destroy existing marketing agencies and established enterprises of the agricultural trades: Be it

"5. Resolved, That we suggest a closer working arrangement between the agricultural producers and the agricultural trades, in order that questions of national importance may thus be solved more satisfactorily and with greater dispatch, and that in their adjustment government shall not be permitted to exceed its just and constitutional limits in extending to any organization financial, bureaucratic, or legislative aid not extended to others: Be it further

"6. Resolved, That a permanent nonprofit-making organization be formed, to be known as the Federated Agricultural Trades of America, and that the Chair be authorized to appoint, at its discretion, a committee of 15 consisting of himself and 14 others, within two weeks' time to apply for the necessary charter, prepare a constitution and by-laws, set up a schedule of dues, solicit members, and do such other things as may be necessary to perfect a permanent organization."

## FLOOD CONTROL

Mr. CARAWAY. Mr. President, in view of the fact that the report to accompany the bill for flood relief is, I understand, prepared and ready for publication, I want to take a moment of the time of the Senate to read a little memorandum which I have touching flood control. First, I want to say that we people who are vitally concerned feel that the House bill more nearly meets our needs than the bill reported by the Senate Committee on Commerce. I want to read something of the efforts to ascertain what the facts were and what the remedies required were as put forth by the Committee on Flood Control in the House:

The Flood Control Committee met first on November 7, 1927, and was in session for 63 days. Six volumes of testimony were taken, consisting of 5,000 pages and more than three and one-half million words. More than 300 people appeared before the committee, some of whom represented the following important nationally known organizations:

United States Chamber of Commerce.  
American Legion.  
American Federation of Labor.  
American Farm Bureau Federation.  
Three former presidents of American Society of Engineers.  
Forty Senators and Representatives.  
Governors of States.  
State officials.  
Mayors of large cities.  
State engineers.  
Levee district engineers.  
American Bankers' Association.  
Investment Bankers' Association.  
Chicago flood-control conference.

Three advisory engineering committees, one from the American Society of Engineers, one from the University Engineers, and one from the railroad engineers of the Mississippi Valley.

Army engineers and Mississippi River Commission engineers.

One hundred and fifty resolutions adopted by civic and fraternal organizations were presented to the committee.

The committee received more than 300 manuscripts containing flood-control plans.

The committee received more than 5,000 letters and telegrams from all over the United States.

Representative REID, chairman of the Flood Control Committee of the House of Representatives, made two trips to the flooded area, one for a duration of 10 days during the flood, and one after the flood, at which time he remained more than three weeks. On these trips he had with him a secretary and took notes. He traveled many hundreds of miles by airplane, train, and boat.

John F. Stevens, president of the American Society of Civil Engineers during 1927, and the man who Colonel Goethals said was responsible for the success of the Panama Canal project more than any other one man in America, testified before the Reid Flood Control Committee. His testimony is contained in 16 pages of the hearings before the Committee on Flood Control.

Representative E. E. Cox, of Georgia, a member of the Flood Control Committee, stated that Representative FRANK REID, in his opinion, had a more complete knowledge of the flood-control situation than any man in America.

Mr. President, I wish briefly to call the attention of the Senate to a few additional facts and circumstances.

The greater damage from the flood of 1927 that came to Arkansas was caused by the overflow of tributaries of the Mississippi River, rather than from the waters of the Mississippi itself. The floods in the tributaries, however, were greatly added to and aggravated by the floods in the Mississippi River. There can be no protection from floods in that State, however, unless the tributaries receive consideration and protection be extended up their courses.

I wish to call the attention of the Senate to these conditions. I shall take each tributary of the Mississippi in my State separately. By "tributary" I mean only those which are navigable streams under the control exclusively of the Government. At this time, however, I shall speak only of the Arkansas.

This river rises in central Colorado and is 1,500 miles in length, flowing through Colorado, Kansas, Oklahoma, and Arkansas, and emptying into the Mississippi River below the south central line of that State.

One of its tributaries is the South Canadian, which rises in Colorado and flows through New Mexico, Texas, and Oklahoma, and empties into the Arkansas near Muskogee in Oklahoma. Another is the Cimarron, which rises in southern Colorado and flows through Kansas and Oklahoma. A third is the Grand or Neosho River, which rises in Kansas and flows through Oklahoma and empties into the Arkansas near Muskogee in Oklahoma. There are also other tributaries that flow through one or more States.

The estimated damage done in the State of Oklahoma by floods in the year of 1927 from the Arkansas River was more than \$20,000,000. But the greater damage caused by floods in the Arkansas River was along its valley from Fort Smith, Ark., to its mouth.

The Jadwin plan for flood control provides for a high levee protection on the Arkansas River from its mouth to Pine Bluff. Prior to this the Mississippi River Commission has assisted in erecting and maintaining levees on this river from its mouth to the Lincoln and Jefferson County lines. Therefore, the only additional protection under the Jadwin plan is by heightening and strengthening the levees from the Mississippi up the Jefferson and Lincoln County lines and by a new levee from that line up to Pine Bluff.

Inasmuch as it is observable and will be made plain from the figures herewith quoted that a very substantial part of the damage done was above Pine Bluff it becomes apparent that the Jadwin plan offers no protection for the very large area which suffered very severely from the recent flood and will suffer from future floods.

In the territory wholly excluded from the Jadwin plan is possibly the most thickly populated section of the State. It is dotted with cities and towns ranging in population from a thousand up to almost 100,000.

Approximately 2,000,000 cubic feet per second of water passed down the Mississippi River at Natchez during the flood.

The extreme low-water gauge of the Arkansas River at Little Rock is 1,100 cubic feet per second. Its bank-full capacity at Little Rock is 200,000 cubic feet per second. During the recent flood 815,000 cubic feet per second of water passed Little Rock, or better than seven hundred times more than its low-water flow. On the same date, April 21, 1927, there passed Clarendon on the White River, a tributary of the Arkansas, 425,000 cubic feet of water per second. The combined flow of the Arkansas and this tributary was more than 1,200,000 cubic feet per second of water, or 60 per cent of the volume passing Natchez on that date.

Some of the damages suffered in the counties mentioned are set out herein.

Along the valley of the upper Arkansas River are the counties of Crawford, Yell, Pope, Conway, Faulkner, Pulaski, Jefferson, and Lonoke. In these counties private levee districts have constructed levees and in the construction of which the Government furnished no aid. Most of the waters that come down this river comes from Colorado, Kansas, New Mexico, Missouri, and Oklahoma. It therefore seems that this tributary is entitled to the same thoughtful consideration and relief to which the parent stream, the Mississippi River, is. It is evident that the problem is not of local origin and can not be controlled by local levees, and not to make it a part of the general plan for flood protection for the lower Mississippi would be both unwise and unjust.

I have before me statistics showing the damages wrought by this flood in the Arkansas Valley. I shall not take the time of the Senate to read them, but ask leave to print them in the RECORD.

The VICE PRESIDENT. Without objection, it is so ordered. The matter referred to is as follows:

## SEBASTIAN COUNTY, ARK.

(Prepared by County Farm Agent C. H. Alspaugh and Walter H. McConnell, secretary of the Fort Smith Chamber of Commerce)

Damage to real estate.....	\$75,000
Damage to buildings and contents.....	10,000
Crop loss.....	100,000
Damage to roads.....	50,000
Industrial loss.....	100,000
Total.....	335,000

## CRAWFORD COUNTY, ARK.

(Prepared by a committee of business men from Mulberry, Alma, and Van Buren under direction of J. O. Porter and A. V. Henderson)

Damage to real estate.....	\$850,000
Damage by crop loss.....	1,500,000
Damage to houses, barns, and contents.....	\$150,000
Damage to roads, bridges, etc.....	100,000
Damage to levees.....	150,000
Total.....	2,750,000

## FRANKLIN COUNTY, ARK.

(Prepared by J. Steve Turner and John R. Davidson)

Damage to real estate.....	\$750,000
Damage by crop loss.....	250,000
Damage to buildings and contents.....	25,000
Total.....	1,025,000

## LOGAN COUNTY, ARK.

(Prepared by Doctor Higdon and other citizens of Logan County)

Damage to real estate.....	\$170,000
Damage by crop loss.....	173,245
Total.....	343,245

## JOHNSON COUNTY, ARK.

(Prepared by Lee Cazort, Guy Cazort, W. R. Hunt, W. W. Thompson, F. A. Blackburn, W. M. Bynum, and C. M. Tuggle, the county agent)

Damage to real estate.....	\$1,150,000
Damage by crop loss.....	770,000
Damage to buildings and contents.....	100,000
Damage to highways and railroads.....	42,560
Damage to coal mines.....	80,000
Total.....	2,142,560

## POPE COUNTY, ARK.

(Prepared by County Judge Quince Hill, Oscar Wilson, E. W. Hogan, Earl Darr, E. A. Williams, et al.)

Damage to real estate.....	\$3,187,500
Damage by crop loss.....	581,000
Damage to buildings and contents.....	22,000
Damage to highways.....	10,000
Total.....	3,800,500

## YELL COUNTY, ARK.

(Prepared by W. E. McClure, mayor of Dardanelle; T. E. Wilson, former county judge; Joe D. Gault, former county sheriff, et al.)

Damage to real estate.....	\$1,200,000
Damage by crop loss.....	2,500,000
Damage to buildings and contents.....	100,000
Damage to levees and roads.....	70,000
Total.....	3,870,000

## CONWAY COUNTY, ARK.

(Prepared by E. E. Mitchell, A. M. Fiser, J. S. Moose, Robert Stallings, Garland Dowdle, and Tom Davis)

Damage to real estate.....	\$2,120,000
Damage by crop loss.....	500,000
Property damage.....	480,000
Levees.....	100,000
Roads and bridges.....	250,000
Total.....	3,450,000

## FAULKNER COUNTY, ARK.

(Prepared by A. M. Ledbetter, examiner of real estate values for the Federal land bank, and H. D. Russell, mayor of Conway)

Damage to real estate, crop loss, buildings and contents, levees and roads.....	\$1,070,102
---	-------------

## PULASKI COUNTY, ARK.

(Prepared by County Agent J. W. Sargent and County Judge C. P. Newton)

Damage to real estate, crop loss, buildings and contents, livestock, and drainage canals.....	\$2,627,000
---	-------------

## JEFFERSON COUNTY, ARK.

(Prepared by Charles E. Taylor, former mayor of Little Rock and now secretary-manager of Pine Bluff Chamber of Commerce, and J. H. Means, president of the Pine Bluff Chamber of Commerce)

Damage to real estate, buildings and contents, crop losses, and levee losses.....	\$4,500,000
---	-------------

## LONOKE COUNTY, ARK.

(Prepared by the Mississippi River Flood Control Association)

The item upon which this item is based varies from other counties but is by above source given as \$261,150.

## PERRY COUNTY, ARK.

(Prepared by the Mississippi River Flood Control Association)

Damage to real estate, buildings and contents, crop losses, etc.....	\$31,975
This makes a grand total of damages suffered from items above listed.....	26,206,532

Mr. CARAWAY. Mr. President, more than 12,000 people were driven from their homes in this area, 30 per cent of whom never returned because their houses and everything they possessed were either totally destroyed or so seriously damaged that they were utterly discouraged. Seventy lives were lost in the counties mentioned. All of this property was destroyed and all of these lives were lost in a section for which the Jadwin plan makes no provision whatever. There can be no successful restoration of this vast territory, the most thickly populated of the State, unless the bill reported to the Senate shall be amended.

The levees along the Mississippi River in Arkansas held except three minor breaks north of the Arkansas River. The water, therefore, which went into Jefferson, Lincoln, Desha, Drew, and Chicot Counties was Arkansas River water which came through two breaks between Pine Bluff and the mouth of the Arkansas River. The Pendleton break was the more destructive.

The damage suffered in Arkansas was almost a third greater than that incurred in the State of Mississippi, as a result of this flood.

It becomes, therefore, imperative that if the State is to receive protection from a recurrence of floods the Arkansas River must be included in the plan; and, in addition to the Arkansas River, the White, the Red, the Ouachita, and other navigable tributaries of the Mississippi which will be mentioned at another time and which are of equal importance and must receive consideration.

But particularly referring again to the Arkansas. The levees have been so destroyed that a bank full rise now spreads its waters over thousands of acres of fertile lands.

The Nation recognizes this as an obligation everywhere accepted save here in Washington. It would seem that it is just as much a duty to protect the country from the ravages of floods as from the incursion of hostile armies.

I merely wanted to call attention to these facts at this time, Mr. President, and from time to time I shall call attention to the necessity of protecting other tributaries in the State. I am hopeful that the Senate will see the wisdom of extending the flood control to the tributaries, because there is the seat of the greatest trouble.

Take the break at Pendleton Bend, on the Arkansas River, during the recent flood. It swept away practically every vestige of buildings, fences, everything that man had put upon the land, in an area 10 miles wide and 21 miles long. All of the water that went into the southeast part of the State of Arkansas came from that break, much as the water that went into the State of Louisiana came from that break, and yet the flood control bill, if it be enacted into law in its present form, will leave that situation untouched.

Mr. ROBINSON of Arkansas. Mr. President, in connection with the subject matter of flood control as it relates to the tributaries of the Mississippi River, I desire to offer an amendment, which I ask to have printed and lie on the table. I also ask that it may be printed in the RECORD.

The amendment intended to be proposed by Mr. ROBINSON of Arkansas to the bill (S. 3434) for the control of floods on the Mississippi River from the Head of Passes to Cairo, and for other purposes, ordered to lie on the table and to be printed, is as follows:

SEC. 2. The Secretary of War, through the Corps of Engineers, United States Army, is hereby authorized and directed to prepare and submit to Congress at the earliest practicable date projects for flood control on all tributary streams of the Mississippi River system subject to destructive floods. The investigations will include:

- The Red River and tributaries.
- The White River and tributaries.
- The Arkansas River and tributaries.
- The Ohio River and tributaries.
- The Missouri River and tributaries.
- The Illinois River and tributaries.

SEC. (b) The sum of \$5,000,000 is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, in addition to amounts authorized in the river and harbor act of January 21, 1927, to be expended under the direction of the Secretary of War and the supervision of the Chief of Engineers or for the preparation of the flood-control projects authorized in paragraph (a) of this section.

Hereafter all works for the improvement of navigation and for controlling floods of the Mississippi River, its tributaries and outlets, including surveys and investigations in connection therewith, shall be prosecuted under the direction of the Secretary of War and the supervision of the Chief of Engineers in accordance with such plans, projects, and specifications as may be approved by the Chief of Engineers, or as may be expressly authorized by Congress.

Mr. ROBINSON of Arkansas. Mr. President, the Committee on Commerce was good enough to insert in the bill a provision that has relation to this subject, which is section 8. There is an appropriation of \$5,000,000 provided for "as an emergency fund, to be allotted by the Secretary of War on the recommendation of the Chief of Engineers in rescue work or in the repair or maintenance of any flood-control work on any tributaries of the Mississippi River below Cairo threatened or destroyed by flood."

Experience gained during the flood of 1927 shows the imperative necessity for a provision of this character. In addition to this provision, however, I think a further provision should be incorporated in the bill directing the Secretary of War at the earliest practicable date to prepare and submit to Congress flood-control projects for tributaries of the Mississippi River. That is the purpose of the amendment which I have proposed.

## AFFAIRS IN NICARAGUA

Mr. DILL. Mr. President, the Associated Press dispatch this morning tells us that five more American marines have been killed in Nicaragua in the process of preparing the people of that country for an election there. One of the killed and one of the wounded were boys from my State. I wish to read some portions of that dispatch in order that it may be in the RECORD and that the American people in the future who wish to learn how we prepare for elections in foreign countries may be informed.

MANAGUA, NICARAGUA, March 1.—While American marines were massing in northern Nicaragua to-day, in pursuit of the Sandino rebels, eight of their comrades, wounded from ambush Monday, were under treatment in the town of Condega.

The five men killed by machine-gun rifle fire that met the marine detachment near Darail Monday were buried near the place they fell.

The Senator from Alabama [Mr. HEFLIN] a day or two ago submitted a resolution making provision for bringing back to the United States the bodies of the dead marines. I suggest to him that he amend his resolution to include those who have died since his resolution was offered. It may be found necessary if we do not do that to prepare a bill to enable the gold-star mothers of the Nicaraguan war to visit Nicaragua in order that they may see where their sons have died and been buried.

Mr. MAYFIELD. Mr. President, will the Senator yield?

Mr. DILL. I yield.

Mr. MAYFIELD. Can the Senator advise us what disposition has been made of the resolution introduced early in the session of the Senate by the Senator from Alabama?

Mr. DILL. I presume it sleeps the sleep that has no awakening in the Foreign Relations Committee, where all such resolutions have died up to this time.

Mr. BORAH. Mr. President—

The VICE PRESIDENT. Does the Senator from Washington yield to the Senator from Idaho?

Mr. DILL. I do.

Mr. BORAH. I desire to say to the Senator that, while the resolutions referred to have not been reported, the committee has taken, I think, all the evidence that there is to be had with reference to the military operations in Nicaragua. That evidence is now in the hands of the Public Printer and will be available to the Senate and to the public perhaps within the next 48 hours.

My opinion is, Mr. President, that we have all the facts in those hearings. Admiral Latimer testified before the committee, as did General Lejeune and General Clark; and while we have not gone into the question of concessions or the financial operations of American nationals in Nicaragua, we have, in my opinion, fully exhausted the facts with reference to what took place there from a military standpoint; and those facts, as I have said, will be available to the Senate, in my opinion, in the next 48 hours.

Mr. DILL. Mr. President, may I ask the Senator before he takes his seat whether the committee has voted on any of the resolutions as to whether or not they will be reported to the Senate?

Mr. BORAH. No; the committee has not done so. I will remind the Senator of the fact that when the resolutions were first submitted we were approaching the Habana conference. The supposition was that these matters would have a hearing at Habana, where the governments of Central America, including Nicaragua and other governments, would be heard. It was thought wise upon the part of all parties, including some of the advocates of the resolutions, that the consideration of those matters should not be urged during the pendency of the conference at Habana. For that reason consideration was postponed. I will say to the Senator, however, that the committee has had this subject before it, has discussed the subject, and has interchanged views in regard to it from time to time since the resolutions were submitted. We have considered the matter at some three or four meetings of the committee.

Mr. DILL. I may say to the Senator that the newspaper reports were to the effect that the chairman of the Foreign Relations Committee had said he was satisfied with the reports and information given his committee, and that no reports or resolutions were necessary.

Mr. BORAH. In so far as the newspaper reports indicated that the chairman went further than to say that he was satisfied as to the military operations, they were in error. What I did say, and what I now say, was that in my opinion the committee has exhausted the subject so far as the military operations in Nicaragua are concerned, or so far as the doings of our Navy in Nicaragua are concerned, and I do not know of any further facts to gather upon that subject; but, as I said

and I now say, we did not undertake to go into the question of concessions. The committee will take up those matters later, and I trust will act upon these resolutions in some form.

Mr. DILL. Can the Senator give us any idea when the committee will take up and vote on these resolutions?

Mr. BORAH. No; I am unable to say when it will be done, but let me say this to the Senator: I do not know of any information we can gather by hearings that we have not already got.

Mr. DILL. I am not asking for hearings; I am asking for some report of the resolution that will give the Senate an opportunity to vote on the question of whether we are going to continue to have our marines carrying on war in Nicaragua.

Mr. BORAH. There is no resolution before the committee that will determine that question, in my opinion.

Mr. DILL. There are resolutions there that if voted upon and passed by the Senate would direct the President to withdraw the marines.

Mr. BORAH. Mr. President, I do not wish to discuss that question now; but I do not know of any authority upon the part of Congress to direct the President to withdraw the marines.

Mr. DILL. I think we might well pass the resolution and see whether it will have any effect on the President. It at least would show the country where the Congress stands.

Mr. BORAH. So far as I am individually concerned, I have no desire to pass a resolution, if I feel we have no authority to act, to see what effect it will have on the President.

Mr. DILL. The Senator must remember that other Senators might differ with him in their desires, and other Senators would like to vote on such a proposition, and differ with him as to the authority.

Mr. BORAH. The Senator from Idaho was only expressing his individual view; that is all.

Mr. BRUCE. Mr. President—

Mr. DILL. We have passed other resolutions when Senators opposed to them doubted our authority to do so, but we have found that they had very desirable effects. I remember several occasions in the last two or three years when we have passed such resolutions; and I hope the Foreign Relations Committee will not take the attitude that the Senate can not vote on these questions simply because the Senator from Idaho himself thinks it is not a proper vote to cast.

Mr. BORAH. No; neither will it likely take action because the Senator from Washington thinks it proper.

Mr. CARAWAY. Mr. President—

Mr. DILL. I yield to the Senator from Arkansas.

Mr. CARAWAY. Does the Senator recall that we passed a resolution asking that the army of occupation in Germany be withdrawn?

Mr. DILL. I do not myself recall that fact.

Mr. CARAWAY. Yes; we did.

Mr. DILL. But that was the army of occupation, not the Army that was fighting.

Mr. CARAWAY. We merely requested the President to do it.

Mr. DILL. But the condition was very different there, because the Congress had declared war and sent the Army to Germany. Congress has never passed on the question of whether or not the marines should go down to Nicaragua.

Mr. CARAWAY. The Senator misunderstands me. I was referring to the question of whether the Senate should pass a resolution asking the President to do something that lay within his power. The Senate did pass such a resolution in regard to the army of occupation in Germany.

Mr. DILL. Oh, the suggestion that the Senate is without authority to do these things is the suggestion of those who do not want to meet the issue. It is always the suggestion that is raised when they do not want to face this issue. We have repeatedly voted on resolutions which Senators said the Senate had no authority to pass, such as the Denby resolution and the third-term resolution.

Mr. SHORTRIDGE. Mr. President, will the Senator permit me to ask him a question?

Mr. DILL. Yes; I yield to the Senator from California.

Mr. SHORTRIDGE. Does the Senator wish to have the marines now or immediately withdrawn from Nicaragua?

Mr. DILL. Yes; I want them withdrawn.

Mr. SHORTRIDGE. Does the Senator wish to leave American citizens, their lives and their property, at the mercy of a bandit, Sandino?

Mr. DILL. I may say to the Senate that there is no proof that the lives of American citizens are in danger; and we are not in the business of protecting the property of American citizens all over the world by having marines stationed there for the purpose of enabling our citizens to make profits by such action.

Mr. SHORTRIDGE. Permit me, then, to observe—and I may take the time later to give the details—that there was an American citizen in Nicaragua, a very prominent citizen and a very patriotic citizen, who had his property stolen and his life threatened, and was obliged to flee from the country because of this same bandit, Sandino. I wish to commend to the Senator from Washington the reading, and may I say the careful reading, of an article which appears in this week's issue of the magazine called Liberty; and if the Senator during the day or this evening, in the quiet of his study, will read that article, I express the belief that his views will be very materially modified. I commend that article to the Senator from Washington.

Mr. DILL. Let me say to the Senator that I read that article this morning before I came to the Capitol, and it was one of the reasons why I was induced to stand on the floor and make the speech I am making.

Mr. SHORTRIDGE. Then the Senator is a type of American with which I am not in sympathy, and he disappoints me greatly.

Mr. DILL. I do not care particularly about that. I do not want the sympathy of any American who would have men who are enlisted in the armed forces of the United States, to protect this country and its flag, used to protect the property of men who have made investments in a foreign land on which they are attempting to profiteer at the expense of the people of that country. [Manifestations of applause in the galleries.]

Mr. SHORTRIDGE. I want to say to the Senator from Washington that Charles Butters, of California, who went to Nicaragua lawfully, was in the peaceful possession of property lawfully acquired; that his property was stolen from him; that he was threatened with death and was obliged to flee from the country. As for me, I want the United States of America to protect such a citizen wherever he may be, whether it be in Nicaragua or in any other country on this earth.

Mr. DILL. The Senator is now arguing about the reason why the marines were sent in. A moment ago he challenged me because I was objecting to the marines being kept there; and I made the statement that the lives of Americans are not in danger, and that it is not the business of this Government to keep its troops in every part of the earth because American people may have been in danger at some time or other in the history of that country, and to enable those people to make profits on their foreign investments.

Mr. SHORTRIDGE. I wish the spirit of Andrew Jackson were a little more visible in the Senate. No American would then be robbed of his property or have his life threatened in any country or on any sea without Uncle Sam going to his defense.

Mr. DILL. I do not remember whether Andrew Jackson sent armed troops all over the earth to do all the things the Senator suggests.

Mr. SHORTRIDGE. Well, I do.

Mr. EDGE. Mr. President, the Senator suggests that he wants the marines immediately withdrawn from Nicaragua. Does the Senator believe that this country should repudiate a solemn contract entered into with the leaders and representatives of both political parties in Nicaragua and recall the marines after agreeing with these accredited representatives that we would use our best offices to try to see that they should have a fair election?

Mr. DILL. I am not going to enter into any argument with the Senator about that other than to say that that agreement was made with one band of men who could not keep control down there without the use of the armed forces of this country, and with the leaders of the other band, whom they bought off by paying them for their ammunition and their guns, and others whom they forced to sign the agreement. I do not consider it a legal contract in any sense; and I would have the marines bring out those Americans who might be in danger and let the people of Nicaragua run their own Government.

Mr. LA FOLLETTE. Mr. President—

Mr. EDGE. In other words, the Senator would repudiate a solemn contract made on behalf of the President of the United States with the representatives of both political parties, withdraw the marines, and encourage a renewal of the bloodshed that was happening up to the time the armistice was signed?

Mr. DILL. It will not be American blood shed, and that is what I am objecting to. I am objecting to the spending of American lives to buy profits for men who have made investments in Nicaragua.

Mr. LA FOLLETTE. Mr. President—

Mr. EDGE. Certainly the present understanding with Nicaragua has nothing whatever to do with concessions and nothing whatever to do with investments. It is a plain, clear, thor-

oughly understandable proposition that we will offer our best offices to try to bring about the one thing that everyone, as far as I have been able to find out, hopes can be brought about—a fair expression of opinion of the Nicaraguan people as to who shall be President of that Republic. If we withdraw our marines to-day, we leave that country with a chaotic condition; we repudiate our own obligations; we put ourselves in an absolutely indefensible position before the world.

Mr. DILL. Let me say to the Senator it is never too late to do right.

Mr. SMOOT. Mr. President, I ask for the regular order of business.

The VICE PRESIDENT. The introduction of bills and joint resolutions is in order.

Mr. DILL. Mr. President, I started to read an article, and I think I might be permitted to finish that article. It affects boys killed in Nicaragua who come from my State.

Mr. BORAH. I ask unanimous consent that the Senator be permitted to read the article.

Mr. SMOOT. All I want to do is to carry out the unanimous-consent agreement which was made yesterday.

Mr. BRUCE. Mr. President—

Mr. DILL. I do not yield.

Mr. BRUCE. I am not asking the Senator to yield. The Senator from Idaho is asking unanimous consent that the Senator from Washington be permitted to proceed, and I think the Senator will feel just a little ashamed of himself when I say that I rose for the purpose of seconding the motion of the Senator from Idaho that the Senator from Washington be allowed to proceed.

Mr. DILL. I thank the Senator.

Mr. SMOOT. I have no objection to that, providing the Senator just reads the article, and then we can take up morning business. We have a unanimous-consent agreement that we would take up the calendar this morning; and I do not want to have the whole two hours spent on a question that is not before the Senate.

The VICE PRESIDENT. Without objection, the Senator from Washington will read the article.

Mr. DILL. I appreciate the courtesy, and if I had not been interrupted I would have finished long ago.

Mr. SHORTRIDGE. Mr. President, may I ask the Senator to permit me just one question?

Mr. DILL. I can not yield to the Senator.

Mr. SHORTRIDGE. The Senator declines to yield?

Mr. DILL. I can not yield, because permission was granted that I might read the article, and if I do yield I will get into an argument with the Senator.

The eight wounded, one of them in a serious condition, were transported to Condega, having been given emergency treatment en route by a medical officer who joined the pack train yesterday. The men will be held at Condega until they can be moved either to Estel or Ocotal, marine bases, 30 miles away.

#### WILL BE MOVED TO CAPITAL

As soon as their condition permits they will be transported by airplane to Managua. Condega has no landing field, but Ocotal and Estel have.

As soon as word of the encounter was received three detachments of marines were sent from points in the vicinity. Capt. William K. McNulty, of the Eleventh Regiment, who was on another mission with 85 men, also joined forces with Lieut. Edward F. O'Day, leader of the ambushed patrol.

Three marines were killed in the action and two died from their wounds. Those slain were Pvts. John C. Pump, Council Bluffs, Iowa; George E. Robbins, San Antonio, Tex.; and Albert Schlauch, Jamestown, N. Dak.

#### TWO DEAD FROM WOUNDS

Those who died from their wounds were Corpl. Cicero D. Austin, Crockett, Tex., and Pvt. Curtis J. Mott, Trenton, Wash.

Pvt. Lem C. Davis, Nixon, Tex., was seriously wounded, being shot in the left shoulder.

Those slightly wounded were Sergt. Wilbourn C. Christian, Northport, Ala., shot in hip; Sergt. Charles Hisham, Longmire, Wash., shot in thigh; Pvt. Lewis E. Ballard, Troy, N. Y., shot in foot; Pvt. Raymond B. Carter, Payson, Utah, shot in leg; Pvt. Peter C. Crum, Omaha, Nebr., shot in foot; Pvt. Linton C. Maynard, Ranger, Tex., shot in elbow; and Pvt. Clarence E. Phelps, Portland, Colo., injuries not stated.

#### FIRST WORD IN FIVE WEEKS

SAN ANTONIO, TEX., March 1.—A newspaper dispatch saying that George E. Robbins had been killed with four other marines in the Nicaragua ambush was the first word his mother, Mrs. Agnes Robbins, of this city, had received of her son in five weeks, she said to-day. Robbins enlisted here October 12. Three sisters and a brother live in Houston, Tex.

COUNCIL BLUFFS, IOWA, March 1.—John C. Pump, Council Bluffs, killed in action in Nicaragua, enlisted in the Marine Corps last October.

The last word his parents, Mr. and Mrs. Emil A. Pump, had from him was a letter from San Diego, Calif., dated January 7, in which he said his company was embarking for Nicaragua.

Pump was graduated from high school at Denison, Iowa, and studied law for two years at Creighton University, Omaha.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. REED of Pennsylvania:

A bill (S. 3458) to create the reserve division of the War Department, and for other purposes; and

A bill (S. 3459) to amend an act of Congress approved March 4, 1927 (Public, No. 795, 69th Cong.), to provide for appointment as warrant officers of the Regular Army of such persons as would have been eligible therefor but for the interruption of their status, caused by military service rendered by them as commissioned officers during the World War; to the Committee on Military Affairs.

By Mr. SACKETT:

A bill (S. 3460) granting a pension to Harriett Morgan (with accompanying papers); and

A bill (S. 3461) granting a pension to James F. Taylor (with accompanying papers); to the Committee on Pensions.

A bill (S. 3462) granting the consent of Congress to the Maysville Ohio River Bridge Co., and its successors and assigns, to construct a bridge across the Ohio River at or near Maysville, Ky.; to the Committee on Commerce.

By Mr. CAPPER:

A bill (S. 3463) to recognize commissioned service in the Philippine Constabulary in determining rights of officers of the Regular Army; to the Committee on Military Affairs.

By Mr. WHEELER:

A bill (S. 3464) granting a pension to Rudolph Lange; to the Committee on Pensions.

A bill (S. 3465) for the relief of Charles Parshall, Fort Peck Indian allottee of the Fort Peck Reservation, Mont.; to the Committee on Indian Affairs.

By Mr. SMOOT:

A bill (S. 3466) to amend the naval record of Edwin Rodman; to the Committee on Naval Affairs.

By Mr. WAGNER:

A bill (S. 3467) for the relief of Thomas Vincent Corey; to the Committee on Naval Affairs.

By Mr. NYE (by request):

A bill (S. 3468) to accept the cession by the State of California of exclusive jurisdiction over the lands embraced within the Lassen Volcanic National Park, and for other purposes; to the Committee on Public Lands and Surveys.

By Mr. CURTIS:

A bill (S. 3469) authorizing the payment of war-risk insurance to Alice M. Smith and E. R. Smith (with accompanying papers); to the Committee on Finance.

A bill (S. 3470) granting a pension to Mary M. Baldwin (with accompanying papers);

A bill (S. 3471) granting an increase of pension to Lou Milburn (with accompanying papers);

A bill (S. 3472) granting an increase of pension to Martha A. McLin (with accompanying papers);

A bill (S. 3473) granting an increase of pension to Jennie McClauray (with accompanying papers);

A bill (S. 3474) granting an increase of pension to Emma L. Kennedy (with accompanying papers);

A bill (S. 3475) granting an increase of pension to Sarah S. Ewing (with accompanying papers);

A bill (S. 3476) granting an increase of pension to Annie Earnest (with accompanying papers);

A bill (S. 3477) granting an increase of pension to Maggie J. Miller (with accompanying papers); and

A bill (S. 3478) granting an increase of pension to Sarah Shuck (with accompanying papers); to the Committee on Pensions.

By Mr. COPELAND:

A bill (S. 3479) to carry out the findings of the Court of Claims in the cases of labor performed in excess of 8 hours per day at certain navy yards; and

A bill (S. 3480) for the allowance of certain claims for extra labor above the legal day of 8 hours at certain navy yards certified by the Court of Claims; to the Committee on Claims.

By Mr. DENEEN:

A bill (S. 3481) granting an increase of pension to Thomas E. Roberts; to the Committee on Pensions.

By Mr. BAYARD:

A bill (S. 3482) granting a pension to Nellie Hayman (with accompanying papers); to the Committee on Pensions.

By Mr. HARRIS:

A bill (S. 3483) for the relief of the heirs of W. H. May, deceased; to the Committee on Claims.

By Mr. REED of Pennsylvania:

A joint resolution (S. J. Res. 106) to amend Public Resolution No. 65, approved March 3, 1925, authorizing the participation of the United States Government in the International Exposition to be held in Seville, Spain; to the Committee on Foreign Relations.

#### COTTON PRICES

Mr. SMITH. Mr. President, I desire to give notice that on Wednesday next the hearings on Senate Resolution 142 will begin in the Agricultural Committee room in the Senate Office Building.

Mr. McKELLAR. Will the Senator state the subject of the resolution?

Mr. SMITH. It is the resolution for an investigation of the cotton market. I shall be glad to have the press give as great publicity as possible to this announcement, so that any interested parties who desire to give testimony may govern themselves according to this notice.

#### NATIONAL ORIGINS DECEPTION

Mr. NYE. Mr. President, I ask unanimous consent to have printed in the RECORD an editorial appearing in the St. Paul Pioneer Press under date of February 29, 1928, under the heading "National-Origins Deception."

The VICE PRESIDENT. Is there objection?

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

#### NATIONAL-ORIGINS DECEPTION

Accompanied by a fanfare of trumpets to disguise its deception, what purports to be a revision of immigration quotas is put before the Senate. The new figures are calculated to pave the way for the revolution in restrictive immigration under the alluring title of "national origins," which is to go into effect next July but against which a swelling protest is rising.

The change was postponed by Congress once before, because of the preposterous results in immigration control that it would introduce.

The new juggling turns out to be hardly better than the old. It would have the same result of shutting down on north European immigration which has proved most valuable in building of the country. It would slam the door in the face of desirable immigrants from Scandinavian and Germanic countries and increase only British. America certainly never intended anything like that when it took up the policy of restricting immigration four years ago.

The proposed new quota figures are put forward in such a way as to create an impression that Nordic allotments are to be increased over their present numbers. If this is done deliberately, it is deceptive and fraudulent. The fact is that if the so-called national-origins system is permitted to go into effect next July the quotas of Sweden will be reduced from the 9,561 of present schedules to 3,399; of Norway from 6,453 to 2,403; of Germany from 51,227 to 24,908; of the Irish Free State from 28,567 to 17,427.

By a sly joker, which has been generally overlooked, the advocates of closing America's doors as completely as possible to new blood will contrive to reduce total immigration by about 30 per cent. The present quota of Great Britain and North Ireland is 34,007. But actual immigration from those countries is only about 24,000 a year. They do not nearly use up the existing quota, yet it is proposed to almost double Great Britain's present allotment, making it 66,000, or nearly three times as many as seek to come in.

The national-origins system would supposedly admit 150,000 immigrants a year from all Old-World countries. But by the allotment of 40,000 more to Great Britain than that country can use, the actual immigration allowed would be cut down close to 110,000 a year. This is a crafty method of juggling figures to raise the bars against even the most desirable races. It is fanaticism, 100 per cent Americanism, and insidious bigotry carried to the extreme.

In 1924, when the present immigration law was passed, the so-called national-origins plan of regulating newcomers was adopted. A total of 150,000 immigrants a year was fixed as the maximum. These would be divided among countries of the world, not including North and South America, in the same proportion which persons tracing their origin to that particular country and already in the United States bore to the total American population in 1920.

But lack of official records made the task of tracing nationalities back to the beginning of American Government so difficult that the national-origins clause was postponed and the present quota system temporarily substituted.

A committee of three Cabinet members was designated meantime to work out the new allotments. That committee made its first report last year, submitting certain estimates of new quotas from each country, but adding the extraordinary statement that due to the haphazard methods necessarily employed in arriving at the figures it would refuse to assume responsibility for its own work. Thereupon, operation of the national origins clause was again postponed until June 30, 1928, and the same Cabinet committee has now submitted another report, with revised figures.

It is this second guesswork compilation that is proclaimed in Washington dispatches as giving increased immigration quotas to so-called Nordic races. In reality it is merely a comparison between last year's disowned schedules and this year's renewed attempt at figure juggling without accurate data on which to base the allotments. The new figures are not a comparison with quotas now in use. The much-heralded increases for northern races are in reality harshly restrictive decreases for those very races who have built up Minnesota and the Northwest. Sweden, Norway, Germany, Ireland, all are radically reduced in numbers of their people who may come into America. Only the British, who are well content at home and in their colonies, have the door of opportunity opened wider for them, a door which they do not care to enter.

Congress will do a good day's work if it throws the national origins clause out of the window.

#### CALF-LEATHER INDUSTRY

The VICE PRESIDENT. The Chair lays before the Senate a resolution coming over from the previous day, Senate Resolution 163, submitted by the Senator from New York [Mr. COPELAND].

Mr. COPELAND. Mr. President, yesterday the Senator from Utah [Mr. SMOOT] asked that the resolution go over for a day.

Mr. SMOOT. I will say to the Senator that I have not yet received the information asked for, but if the Senator wants to have the resolution passed, I shall not object this morning. I think the information is already in the hands of the Tariff Commission, and it will take only a short time to report it.

The VICE PRESIDENT. The question is on agreeing to the resolution.

The resolution was read and agreed to, as follows:

*Resolved*, That the United States Tariff Commission is hereby requested to investigate and report to the Senate the extent of sales of foreign calf leather in the United States since January 1, 1925, and the rates of wages paid calf tannery workers in the United States and competing countries.

#### MESSAGE FROM THE HOUSE—ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

A message from the House of Representatives, by Mr. Haltigan, one of its clerks, announced that the Speaker had affixed his signature to the following enrolled bills and joint resolutions, and they were subsequently signed by the President pro tempore:

H. R. 5818. An act authorizing J. H. Peacock, F. G. Bell, S. V. Taylor, E. C. Amann, and C. E. Ferris, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near the city of Prairie du Chien, Wis.;

H. R. 7201. An act to provide for the settlement of certain claims of American nationals against Germany, Austria, and Hungary, and of nationals of Germany, Austria, and Hungary, against the United States, and for the ultimate return of all property held by the Alien Property Custodian;

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.;

H. R. 9136. An act making appropriations for the Department of the Interior for the fiscal year ending June 30, 1929, and for other purposes;

H. R. 10298. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near New Orleans, La.;

H. R. 10635. An act making appropriations for the Treasury and Post Office Departments for the fiscal year ending June 30, 1929, and for other purposes;

S. J. Res. 88. Joint resolution authorizing the erection on public grounds in the District of Columbia of a stone monument as a memorial to Samuel Gompers;

H. J. Res. 141. Joint resolution to authorize the President to invite the Government of Great Britain to participate in the celebration of the Sesquicentennial of the Discovery of the Hawaiian Islands, and to provide for the participation of the Government of the United States therein; and

H. J. Res. 223. Joint resolution making an additional appropriation for the eradication or control of the pink bollworm of cotton.

#### THE CALENDAR

The VICE PRESIDENT. Under the unanimous-consent agreement, the Senate will proceed to the consideration of unobjected bills on the calendar, beginning with Calendar No. 317.

The bill (H. R. 7030) to amend section 5 of the act of March 2, 1895, was announced as the first bill on the calendar, beginning at the point reached on the last call.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of this bill, particularly in view of the fact that no report appears to accompany it. In the absence of the chairman of the Committee on Post Offices and Post Roads, who reported the bill, I think it should go over.

The PRESIDING OFFICER (Mr. Fess in the chair). The bill will go over.

Mr. KING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. KING. When we ceased working upon the calendar the last time, the Senate was considering Order of Business 316, the bill (S. 3194) to establish the Bear River migratory-bird refuge.

The PRESIDING OFFICER. The unanimous-consent agreement entered into yesterday was that the Senate should begin the consideration of unobjected bills on the calendar, starting with Order of Business 317. The bill to which the Senator from Utah refers was objected to when reached on the last call, the Chair is informed.

The bill (S. 1666) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes, was announced as next in order.

Mr. NYE. There should be an explanation of the bill.

Mr. KING. I should like to have an explanation of the bill. It seems to be a very important measure. I would like to know what is involved, and to what extent it departs from existing law.

Mr. PHIPPS. I ask that it may go over, without prejudice, and we can return to it later.

The PRESIDING OFFICER. The bill will go over without prejudice.

#### RURAL POST ROADS

The bill (S. 2327) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. McKELLAR. Mr. President, I have no objection to this bill, but I want to offer an amendment, which I will ask the clerk to read.

Mr. DILL. I object to the bill being taken up at this time.

Mr. ROBINSON of Arkansas. Let the amendment be reported.

Mr. McKELLAR. I hope the Senator will not object to the amendment being reported.

Mr. DILL. I withhold my objection.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 2, after line 17, add the following:

SEC. 3. That for the purpose of carrying out the provisions of the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, and all acts amendatory thereof and supplementary thereto, there is hereby authorized and directed to be appropriated, out of any money in the Treasury not otherwise appropriated, the following sums, to be expended in the improvement of rural post roads over which rural carriers travel in serving the rural routes other than those now included in the Federal-aid road system: The sum of \$50,000,000 for the fiscal year ending June 30, 1929; the sum of \$75,000,000 for the fiscal year ending June 30, 1930; and the sum of \$100,000,000 for the fiscal year ending June 30, 1931.

SEC. 4. For carrying out the provisions of this act the Secretary of Agriculture shall apportion to each of the States according to the mileage of rural routes, provided that the States appropriate a like amount. The money shall be apportioned to each rural route in the United States in proportion to its mileage, but none of this appropriation shall be spent in the construction or maintenance of roads built by Federal aid heretofore and known as the Federal road system. The expenditure

of this money shall be by the highway departments of the various States in cooperation with the Bureau of Public Roads, United States Department of Agriculture, and the Post Office Department of the United States.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. BAYARD. I object.

The PRESIDING OFFICER. The bill goes over, under objection.

#### DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. STECK. Mr. President, I was necessarily absent when the calendar was called the last time, and I ask unanimous consent to go back to calendar No. 315, Senate bill 2998, granting double pension in all cases where an officer or an enlisted man of the Navy or Marine Corps dies or is disabled as a result of a submarine accident. It is a bill to which I am sure there will be no objection, and one in which I am very much interested.

Mr. SMOOT. If the Senator will wait, we may get through with the calendar, and if we have time, there will be no objection to considering the bill he has in charge.

Mr. ROBINSON of Arkansas. The Senator from Iowa has stated that he thinks there will be no objection to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. SMOOT. Just a moment. I would like to see what the bill is.

Mr. STECK. It is a bill to grant double pensions to dependents of those killed in submarine accidents.

Mr. SMOOT. Is there a favorable report?

Mr. STECK. There is a favorable report from the Committee on Pensions, a unanimous report, I understand.

Mr. JONES. Mr. President, I want to ask the Senator whether there is any question about the bill applying to the dependents. There is nothing said about the widows or the minors, and no reference to any law which controls the granting of a pension to dependents.

Mr. STECK. It says "the amount of pensions allowable shall be double that authorized to be paid under the present law."

Mr. JONES. I can not tell from a reading of the bill whether that applies to dependents, to widows and minor children, or not.

Mr. STECK. It does. It applies to the dependents of officers or enlisted killed, or to the disabled officers or enlisted men themselves.

Mr. JONES. What language is there in the bill which warrants that construction?

Mr. STECK. It says "the amount of pension allowable."

Mr. JONES. The amount of pension allowable to whom—the disabled man?

Mr. STECK. The amount of pension allowable in case the claim is made by the dependents where the man was killed.

Mr. SMOOT. Under what law? There must be some provision of law.

Mr. STECK. There is existing law which provides for pensions.

Mr. SMOOT. There are three or four pension laws applying to dependents.

Mr. ROBINSON of Arkansas. Mr. President, I think the report answers that question, under the third paragraph, where it says:

Under acts of July 14, 1862, and March 19, 1886, the rates of pension provided for widows and dependents are \$12 per month for widows of enlisted men, \$15, \$17, \$20, \$25, and \$30 per month to widows of officers according to rank, with \$2 per month additional for each minor child under 16 years of age.

The provision in the bill plainly is intended to double the allowances referred to in that paragraph.

Mr. SMOOT. The bill ought to refer to those acts.

Mr. ROBINSON of Arkansas. It does not need to refer to them. It says, "The rates allowed"; and the rates allowed are those which are embraced and mentioned in the paragraph I have read.

Mr. JONES. But that is a reference in the report, and it is not in the language of the bill.

Mr. ROBINSON of Arkansas. That is equivalent to saying the rates allowed are authorized by law. The language is perfectly clear to my mind as a matter of legal construction. I find no difficulty in construing it, and the department evidently found no difficulty.

Mr. JONES. I ask the Senator whether the department expressed any view with reference to the construction they give this language?

Mr. STECK. The wording of the bill was submitted to the solicitor for the department and it meets with his approval.

Mr. JONES. What does he say will be the effect of the language?

Mr. STECK. Just exactly as is contained in the report, that it will double the existing pensions as provided in the laws which are mentioned in the report and which have been referred to by the Senator from Arkansas.

Mr. JONES. I am satisfied that that is the intention of the bill, and I am in favor of it; but I doubt very seriously, when it comes to a final construction, whether that will be the construction.

Mr. COPELAND. Mr. President, will the Senator yield?

Mr. STECK. I yield.

Mr. COPELAND. I do not know why we should waste words over it. It is perfectly clear that if, under the present laws, a man is entitled to a pension, instead of having the pension which is named in the law at present, it will be doubled. It is perfectly clear.

Mr. STECK. That is the wording of the bill, as I understand it.

The PRESIDING OFFICER. Is there objection to returning to Calendar No. 315?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. FLETCHER. The language of the bill is "the amount of pension," and in the report the reference is to the rate of pension. Is there any difference in the meaning there, or should the word be "rate" instead of "amount"?

Mr. STECK. I think that is purely a difference in words. I think the wording of the bill is sufficient and is correct. It was not drawn by me personally, I may say. It met the approval of the department.

Mr. KING. Mr. President, I would like to ask the Senator from Iowa what effect, in his opinion, this legislation will have upon future legislation. For instance, persons have written me suggesting that the relatives and dependents of those who are killed upon the battle field should receive double the pensions of relatives of those who died in the service but not in battle. Others have insisted that aviation is a dangerous pursuit, and that the dependents of those who are killed in falling from airplanes or as the result of aeronautical accidents should receive double pensions. I was wondering what the end will be. Every employment is considered to be dangerous, and application will be made that additional pensions shall be paid.

Mr. STECK. Such a law is already in existence with reference to flyers. They are entitled to double pension, and also some extra pay, as the Senator probably knows. The idea behind the bill was that this service is, like flying, extra hazardous, and an attempt was made in the bill, which meets the approval of the department, to limit it to injuries or deaths which occur by reason of the extra hazard of the service.

At this time there are only two casualties to which this measure would apply; that is, with reference to the sinking of the submarine *S-4* and the submarine *S-51*.

Mr. TYDINGS. Mr. President, I would like to say for the information of the Senate—it may not be generally known—that officers and enlisted men on submarines can not get life insurance, because the life-insurance companies refuse to insure men who are assuming that risk, whereas in all other branches of the Navy they can get insurance, except in aviation.

Under the present law there is no extra pay for those engaged in service on submarines, and therefore it is unfair to expect a man who is, of course, like any other sailor or officer in the Navy, to go out and assume a risk, to put him up against that extra risk, and give him nothing in the way of insurance which every other naval officer or enlisted man can get. The purpose of the bill is to take the place of insurance which the men could get if they were assigned to a battleship or to a destroyer.

Mr. WALSH of Massachusetts. As I understand the bill, it provides that the same pension law shall apply to officers and enlisted men of the Navy who are injured as the result of a marine accident that is now applicable to officers and enlisted men in the Army in the case of injury or accident.

Mr. STECK. Yes.

Mr. BLAINE. Mr. President, will the Senator yield?

Mr. STECK. I yield.

Mr. BLAINE. If a bill of this character is passed it would appear to me that the basis for compensation rests upon the hazardous occupation in which the officers and enlisted men are engaged when they go upon a submarine. Therefore, for the same reason, why should it not apply to those engaged in the Air Service?

Mr. STECK. There is already a law applicable to those engaged in the Air Service. They are already covered by similar legislation.

Mr. BLAINE. Then why should it not also be extended to the marines who are in Nicaragua, a most hazardous occupation, called down to Nicaragua without an expression of policy on the part of Congress, which alone has the power to declare war? These marines are sent into a strange territory and a strange climate against the terrible so-called bandit Sandino, about whom the Senator from California [Mr. SHORTRIDGE] has told us, and proof of the hazards of that occupation was presented by the distinguished Senator from Washington [Mr. DILL] this morning. Another 5 men have been added to the casualty list, and perhaps before the sun goes down we shall have another 5 or 10 added to the list. The Nicaraguan situation involves a hazard quite as serious as the submarine hazard. I think the mothers, the wives, and the children of the men who have been killed in Nicaragua are entitled to consideration by Congress under the circumstances.

Mr. TYDINGS. Mr. President, if the Senator from Iowa will yield—

Mr. STECK. Certainly.

Mr. TYDINGS. I said to the Senate just a moment ago, and I do not think the Senator from Wisconsin heard me, that men engaged in submarine duty can not get life insurance because the life-insurance companies will not write such insurance. There is no man in Nicaragua who can not get life insurance because he is in the Marine Corps. This bill is to take care of the dependents, because those dependents were deprived of a right of protection which every other officer and enlisted man in the Army and Navy and Marine Corps can obtain.

Mr. BLAINE. Does the Senator contend that any life-insurance company is soliciting the writing of policies on the lives of the men who have been sent to Nicaragua under an order given by the President?

Mr. REED of Pennsylvania. Mr. President, the United States Government itself sent those men there, and not the President.

Mr. STECK. I must refuse to yield further for the discussion of a subject which is not pertinent to the bill under consideration.

Mr. BLAINE. I would like to ask the Senator another question.

Mr. STECK. I yield for any question pertinent to the bill.

Mr. BLAINE. I understand the Government insurance plan applies to officers and enlisted men in the submarine service.

Mr. STECK. I do not believe the Senator, and I disagree as to the purpose of the bill. I hope the Senator will not obstruct the passage of the bill by bringing up other matters at this time.

Mr. BLAINE. Mr. President, I think in all seriousness the bill ought to go over until proper amendments, as I view it, can be offered.

The PRESIDING OFFICER. Under objection, the bill goes over.

#### RURAL POST ROADS

The bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes, was announced as next in order.

Mr. BRUCE. Let the bill go over.

Mr. ODDIE. Mr. President, will the Senator from Maryland allow me to make a very brief statement to the effect that a bill in much the same form as this passed the Senate last year.

The PRESIDING OFFICER. Does the Senator from Maryland withdraw his objection?

Mr. ODDIE. Will the Senator from Maryland allow me to make a brief explanation?

Mr. BRUCE. It is a bill of too much importance to be passed in this way. It imposes too great burdens upon the States to be passed without careful consideration, which can not be given under the five-minute rule.

Mr. ODDIE. Practically the same bill passed the Senate last year. It has been approved by the American Association of State Highway Officials. It provides for the improvement in the allocation of the funds for Federal-aid road building in the public-land States. It does not provide for any more money for any State. It eliminates certain provisions in the law that were found to be unnecessary and impractical. I wish the Senator would withdraw his objection.

Mr. BRUCE. This road system bears with particular severity on the State of Maryland, and I wish to have an opportunity to examine the bill. I have not had an opportunity to

read it and look into its effect, and I wish to have the opportunity to do so.

Mr. ODDIE. This is not the regular annual Federal aid appropriation bill. That was called previously this morning and went over under objection.

Mr. BRUCE. Then I am under misapprehension. However, I shall be glad to state that later on I may withdraw my objection, but for the present I object.

The PRESIDING OFFICER. Under objection the bill goes over.

#### OIL AND GAS PERMITS

The bill (H. R. 5783) to grant extensions of time of oil and gas permits was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I withhold any objection pending the outcome of the question on the Senate committee amendments. Should the Senate committee amendments be rejected, I shall have no objection to the passage of the bill. In fact, I think it should be passed.

Mr. SMOOT. Mr. President, I will assure the Senator that I shall ask that the Senate committee amendments be rejected, and the bill passed just as it came from the House.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Public Lands and Surveys with amendments, on page 2, in line 1, after the word "years," to insert the words "or for such additional period or periods he may deem reasonable or necessary for the full exploration of the land described in the permit"; and on page 2, after line 15, to insert the words "or for such additional period or periods as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in the permit," so as to make the bill read:

*Be it enacted, etc.,* That any oil or gas prospecting permit issued under the act entitled "An act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain," approved February 25, 1920, or extended under the act entitled "An act to authorize the Secretary of the Interior to grant extensions of time under oil and gas permits, and for other purposes," approved January 11, 1922, or as further extended under the act of April 5, 1926, may be extended by the Secretary of the Interior for an additional period of two years, or for such additional period or periods as he may deem reasonable or necessary for the full exploration of the land described in the permit, if he shall find that the permittee has been unable, with the exercise of reasonable diligence, to begin drilling operations or to drill wells of the depth and within the time required by existing law, or has drilled wells of the depth and within the time required by existing law, and has failed to discover oil or gas, and desires to prosecute further exploration.

SEC. 2. Upon application to the Secretary of the Interior, and subject to valid intervening rights and to the provisions of section 1 of this act, any permit which has already expired because of lack of authority under existing law to make further extensions, may be extended for a period of two years from the date of the passage of this act, or for such additional period or periods as the Secretary of the Interior may deem reasonable or necessary for the full exploration of the land described in the permit.

Mr. SMOOT. I ask that the Senate committee amendments be disagreed to.

The amendments were rejected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. SMOOT. Mr. President, there is on the calendar a similar bill (S. 1155) to grant extensions of time under oil and gas permits. I ask that it be indefinitely postponed.

The PRESIDING OFFICER. Without objection, the bill will be indefinitely postponed.

#### COMPENSATION OF REGISTERS OF LOCAL LAND OFFICES

The bill (S. 766) to fix the compensation of registers of local land offices, and for other purposes, was announced as next in order.

Mr. KING. Mr. President, I would like to have some one familiar with the bill state what change it makes in existing law.

Mr. WARREN. Mr. President, originally, over 100 years ago, the salary was fixed at \$500 a year, with compensation from fees of the office up to, but not exceeding, \$3,000 a year. That was before the register had likewise become the receiver. Now the duties of register and receiver are all performed by the register of the land office, and yet that same old law, more than 100 years old, governs his compensation. The bill now before the Senate would increase the salary to \$1,000 a year and the limit of compensation from the fees is increased to \$3,600.

Mr. ROBINSON of Arkansas. Mr. President, what would be the total increased cost incurred in the administration of the Land Office?

Mr. WARREN. It would be \$600 for the register. I wish the Senator to understand that the Interior Department has already abolished one of the two offices.

Mr. ROBINSON of Arkansas. But that is not done by the bill now before us. That was done as a measure of economy some years ago. It is now proposed to increase the salaries of the officers who remain, so as to permit them to receive greater compensation than they are now receiving. It becomes a question in my mind whether any final economy results. We abolish one of the offices and combine the duties of the register and the receiver in one officer for the simple reason that in many of the land districts, at least, the duties are not so great as they formerly were. Now, it is proposed to increase the salaries of all receivers. I must object to the present consideration of the bill.

The PRESIDING OFFICER. The bill goes over.

#### AVIATION FIELD AT PARCO, WYO.

The bill (S. 2858) to authorize the use of certain public lands by the town of Parco, Wyo., for a public aviation field was considered as in Committee of the Whole.

The bill had been reported from the Committee on Public Lands and Surveys with an amendment, on page 1, line 4, after the word "lease," to insert the words "subject to valid existing rights"; and on page 2, line 2, after the word "land," to insert the following proviso: "Provided further, That there shall be reserved to the United States all gas, oil, coal, and other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: And provided further," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to lease, subject to valid existing rights, to the incorporated town of Parco, Wyo., the south half of section 12, township 21 north, range 86 west of the sixth principal meridian, for the establishment and maintenance of a public aviation field: *Provided,* That said lease shall be for a period of 20 years, and shall be subject to renewal for a like period, on condition that the town officials pay to the United States Government a rental of \$1 per annum for the use of said land: *Provided further,* That there shall be reserved to the United States all gas, oil, coal, and other mineral deposits found in the land, and the right to prospect for, mine, and remove the same: *And provided further,* That the mayor and council of Parco shall, in a manner satisfactory to the Secretary of the Interior, agree to assume the expense of clearing and maintaining the aviation field, and shall also agree that Government departments and agencies operating aircraft shall always have free and unrestricted use of said field and the right to erect and install upon said land such structures and improvements as the heads of such departments and agencies may deem advisable, including facilities for maintaining supplies of fuel, oil, and other materials for operating aircraft, and that in case of emergency, or in event it shall be deemed advisable, the Government of the United States may assume absolute control of the management and operation of said field for military purposes.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### REGULATION OF COTTON-FUTURE EXCHANGES

The bill (S. 1414) for the prevention and removal of obstructions and burdens upon interstate commerce in cottonseed oil by regulating transactions on future exchanges, and for other purposes, was announced as next in order.

Mr. COPELAND. Mr. President, I am forced to object to the present consideration of the bill.

The PRESIDING OFFICER. The bill will go over.

Mr. COPELAND. I do this without prejudice at all toward the bill, but because numerous protests have come to me from my city regarding it. I do not know the merits of their contentions, but it is only right that I should inquire into the matter before I consent to the consideration of the bill.

Mr. MAYFIELD. Mr. President, I will say that the bill does for cottonseed-oil products the same as the Smith-Lever Act did for grain and the same as the Capper-Tincher Act did for grain. It simply places the exchanges dealing in cottonseed-oil products under the supervision of the Secretary of Agriculture. The bill has the indorsement of the Secretary of Agriculture. It is reported unanimously by the Committee on Agriculture and Forestry of the Senate and is supported by all Senators from the cotton-growing States, including the Senators from Louisiana. It simply places these exchanges under the supervision of the Secretary of Agriculture.

Mr. COPELAND. Let me say to the Senator from Texas that I assume he is entirely correct; and I hope I shall be able to withdraw my objection later, but in view of the protests, I must object at this time.

Mr. MAYFIELD. I shall not insist on the Senator withdrawing his objection now, and I shall be glad to discuss the matter with him in person.

The PRESIDING OFFICER. Under objection the bill goes over.

#### BILL PASSED OVER

The bill (S. 1728) placing service postmasters in the classified service was announced as next in order.

Mr. BLEASE and others. Over.

Mr. DALE. Mr. President, I hope the Senator from South Carolina will not object to the consideration of the bill.

The PRESIDING OFFICER. Is the objection withdrawn? The bill goes over.

#### AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT

The bill (H. R. 6989) to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That section 204 of the Hawaiian Homes Commission act, 1920, is hereby amended to read as follows:

"Sec. 204. Upon the passage of this act all available lands shall immediately assume the status of Hawaiian home lands and be under the control of the commission, to be used and disposed of in accordance with the provisions of this title, except that:

"(1) In case any available land is under lease by the Territory of Hawaii, by virtue of section 73 of the Hawaiian organic act, at the time of the passage of this act, such land shall not assume the status of Hawaiian home lands until the lease expires or the Commissioner of Public Lands withdraws the lands from the operation of the lease. If the land is covered by a lease containing a withdrawal clause, as provided in subdivision (d) of section 73 of the Hawaiian organic act, the Commissioner of Public Lands shall withdraw such lands from the operation of the lease whenever the commission, with the approval of the Secretary of the Interior, gives notice to him that the commission is of the opinion that the lands are required by it for the purposes of this title; and such withdrawal shall be held to be for a public purpose within the meaning of that term as used in subdivision (d) of section 73 of the Hawaiian organic act;

"(2) Any available land, including land selected by the commission out of a larger area, as provided by this act, as may not be immediately needed for the purposes of this act, may be returned to the Commissioner of Public Lands and may be leased by him as provided in subdivision (d) of section 73 of the Hawaiian organic act; any lease of Hawaiian home lands hereafter entered into shall contain a withdrawal clause, and the lands so leased shall be withdrawn by the Commissioner of Public Lands, for the purposes of this title, upon the commission giving five years' notice of such withdrawal;

"(3) The commission shall not lease, use, nor dispose of more than 20,000 acres of the area of Hawaiian home lands, for settlement by native Hawaiians, in any calendar five-year period."

SEC. 2. Section 213 of the Hawaiian Homes Commission act, 1920, as amended by act of February 3, 1923, is hereby further amended to read as follows:

"SEC. 213. There is hereby established in the treasury of the Territory a revolving fund to be known as the Hawaiian home loan fund. The entire receipts derived from any leasing of the 'available lands' defined in section 203, these receipts including proportionate shares of the receipts from the lands of Humuula Mauka, Piilhonua, and Kaohē Hakuu, of which lands portions are yet to be selected and 30 per cent of the Territorial receipts derived from the leasing of cultivated sugar-cane lands under any other provision of law, or from water licenses, shall be covered into the fund until the amount of moneys paid therein from those three sources alone shall equal \$2,000,000. In addition to these moneys and the moneys covered into the revolving fund as installments paid by lessees upon loans made to them as provided in paragraph 2 of section 215, there shall be covered into the revolving fund all other moneys received by the commission from any source whatsoever."

Mr. JONES. Mr. President, may we have just a brief explanation as to what changes the bill proposes to make?

Mr. WILLIS. Mr. President, the Senator from Arizona [Mr. HAYDEN] reported the bill. There is a unanimous report from our committee, but if the Senator from Arizona will do so I shall be glad to have him explain it.

Mr. HAYDEN. The original Hawaiian homes act was passed as an experiment in an effort to induce the native Hawaiian people to go back to the land, become farmers, and build homes for themselves. That experiment has been conducted for five years and has been a complete success. There have been over 3,000 acres reclaimed and made available to them out of the

public lands in Hawaii. The purpose of the bill is to extend the act so it will apply to all the islands and make the benefits available to all the people of the Hawaiian race.

Mr. WILLIS. Will not the Senator also call attention to the fact that the revolving fund provided for in the bill comes not at all out of any Federal appropriation but entirely out of the Territorial funds?

Mr. HAYDEN. All of the money provided for in the bill is appropriated by the Hawaiian Legislature. The bill is framed in accordance with a memorial of the Hawaiian Legislature. It has been very carefully considered by the Hawaiian Homes Commission and the Interior Department and should be passed.

Mr. SMOOT. I have no objection to the passage of the measure, but I simply wish to say that if similar legislation had been enacted about 10 years ago the natives of the Hawaiian Islands would have been much better off than they are to-day.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. WHEELER. I object.

The PRESIDING OFFICER. Being objected to, the bill goes over.

#### WILLIAM A. LIGHT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1691) for the relief of William A. Light. It proposes to pay in full settlement against the Government \$1,524.89 to William A. Light, of Valentine, Ariz., as compensation for injuries sustained on September 26, 1916, in the discharge of his official duties as superintendent of the United States Indian school agency at Mescalero, N. Mex.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AGRICULTURAL DAY

The joint resolution (S. J. Res. 61) to provide for an agricultural day was considered as in Committee of the Whole.

Mr. KING. Mr. President, I should like an explanation of what the joint resolution proposes.

Mr. CAPPER. Mr. President, a similar joint resolution passed in the closing days of the last session of the Senate but failed to receive consideration in the other House. It had its origin with the National Grange. It merely proposes to designate the first Thursday in October of each year as a day when attention will be called to the outstanding importance of agriculture as an industry.

Mr. ROBINSON of Arkansas. Does the measure propose to create another legal holiday?

Mr. CAPPER. The joint resolution expressly states that it will not create another legal holiday.

Mr. ROBINSON of Arkansas. I observe that the language of the joint resolution provides for the appropriate observance throughout the United States of the first Thursday in October of each year as Agricultural Day. How is that observance to be secured?

Mr. CAPPER. The joint resolution provides that it shall be done by the President by proclamation or otherwise, directed to the governors of the several States of the United States, so that a simple letter written by the President to the governors calling attention to this Agricultural Day is all that will be required. Representatives of every national farm organization in the country appeared before the Committee on Agriculture and Forestry in favor of the measure. It also had the unanimous support of that committee in its favor.

The PRESIDING OFFICER. Is there objection to consideration of the joint resolution?

Mr. SMOOT. Mr. President, I shall have no objection to the passage of the joint resolution if it does not provide that there shall be another legal holiday, and I see that it expressly provides that it shall not be so considered. I trust that we are not going to have any more legal holidays in the United States.

Mr. CAPPER. The Committee on Agriculture and Forestry was of the same opinion as that expressed by the senior Senator from Utah.

Mr. KING. Mr. President, I shall not object to the consideration of the joint resolution, but I wish to offer an amendment to it. I think, as the joint resolution will be interpreted, if it shall become a law, the final result will be a legal holiday for all employees of the Government on Agricultural Day, and, of course, the purpose is to have a legal holiday in the States. On page 1 I move to strike out, in lines 7, 8, and 9 of the joint resolution, the following words:

and it is the sense of the Congress that such holiday should be appropriately observed throughout the United States.

I do not think it is the business of Congress to tell the States what they should do in regard to holidays. That is for the States to determine for themselves. Congress is not a vast overlord to tell the States when, in its opinion, they should establish holidays. I believe it would be an affront to the States to do so. I therefore think the words I have read should go out of the joint resolution; and if the Senator from Kansas [Mr. CAPPER] is correct, that it is not intended that Agricultural Day shall be made a legal holiday, let us indicate that a little more clearly by eliminating the language to which I have referred.

The PRESIDING OFFICER. The amendment proposed by the junior Senator from Utah will be stated.

The CHIEF CLERK. On page 1, line 7, after the words "Agricultural Day," it is proposed to strike out the comma and the words "and it is the sense of the Congress that such day should be appropriately observed throughout the United States," so as to make the joint resolution read:

*Resolved, etc.,* That in order to encourage consideration of the basic relationship of farming and agriculture to the well-being of the people of the Nation, it is hereby declared that the first Thursday in October of each year is designated as Agricultural Day. The President is requested to communicate this declaration, by proclamation or otherwise, to the governors of the several States of the United States and to request them to take such action as they may deem advisable in order to bring about observance of such day. This resolution shall not be construed as establishing a legal public holiday.

Mr. McNARY. Mr. President, supplementing the remarks made by the author of the joint resolution, the junior Senator from Kansas [Mr. CAPPER], I desire to say that when this measure came before the Senate Committee on Agriculture and Forestry all of the major farm organizations were represented. They asked that this day of observance be created, not as a legal holiday but by some act of Congress so that the States, speaking through their governors, might have their attention called to it. Personally, I see no objection to the elimination of the words as suggested by the Senator from Utah [Mr. KING]. That amendment would leave the substance of the joint resolution, namely, that some reference should be made to a holiday such as might be designated by the governors of the States by proper proclamation; and, if it be agreeable to the author of the bill, as chairman of the committee from which the resolution was reported, I shall have no objection to the elimination of that language.

Mr. CAPPER. I have no objection to the amendment suggested by the Senator from Utah.

The PRESIDING OFFICER. Does the Senator from Kansas accept the amendment?

Mr. CAPPER. I do.

Mr. SHORTRIDGE. Mr. President, in order to allay the fears of the Senator from Utah [Mr. KING], I desire to suggest that the last sentence of the joint resolution read:

This resolution shall not be construed as establishing a legal public holiday.

Mr. CAPPER. That is correct. The Senator from Utah [Mr. KING] now understands that.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Utah [Mr. KING].

The amendment was agreed to.

The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

#### DESCHUTES PROJECT IN OREGON

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1186) to provide for the construction of the Deschutes project in Oregon, and for other purposes, which had been reported from the Committee on Irrigation and Reclamation with amendments.

The first amendment was, on page 1, section 1, line 7, after the word "construct," to strike out the words "at Benham Falls, on the Deschutes River, in the State of Oregon, a storage reservoir and incidental works sufficient in size and the necessary canals and conduits for the delivery of water from said reservoir and said river to irrigate the lands requiring irrigation, and which he may find to be feasible for irrigation on the following units of the Deschutes project in the State of Oregon, namely: The north unit, east unit, Powell Buttes irrigation district, west unit, south unit, and Tumalo irrigation district," and in lieu thereof to insert "reservoir, or reservoirs, and incidental works of sufficient capacity to store, and canals, conduits, and other works of sufficient capacity to deliver such

water as may be necessary for the reclamation, through irrigation, of any unit, units, or parts of units, described, considered, or referred to in the 1914 Deschutes project report (prepared by the Interior Department in cooperation with the State of Oregon), which he may find to be feasible," so as to make the section read:

That in accordance with the provisions of the act of June 17, 1902 (32 Stat. L. 388), known as the reclamation law, and acts amendatory thereof or supplementary thereto, the Secretary of the Interior is hereby authorized and empowered to construct a reservoir, or reservoirs, and incidental works of sufficient capacity to store, and canals, conduits, and other works of sufficient capacity to deliver such water as may be necessary for the reclamation, through irrigation, of any unit, units, or parts of units, described, considered, or referred to in the 1914 Deschutes project report (prepared by the Interior Department in cooperation with the State of Oregon), which he may find to be feasible.

Mr. SMOOT. Mr. President, I have not had time to read the bill through or to read the report, but I wish to ask the Senator who introduced the bill if this project falls within the class of regular reclamation projects?

Mr. McNARY. Yes. I will say to the Senator that this bill does not ask for an appropriation of money. It refers to a project which must be built, if ever, in the usual way under the reclamation act of 1902, namely, in accordance with estimates submitted by the Secretary of the Interior and also in accordance with estimates made by the Director of the Budget and submitted by the President to Congress, and acted upon favorably by the appropriate committees of Congress. It does not in any way change the law. There is an amendment in the bill which the committee had inserted which directs the Secretary of the Interior to submit estimates of probable cost for the purpose of determining whether, in the opinion of those interested in the project and the Congress, it is a feasible one. It does not in any way commit Congress to the construction of this project. It is in the nature of an inquiry, of securing further data. The committee after considering the bill reported unanimously in favor of its adoption. It requires no money, I repeat, and does not affect the status of the project at all; but it does ask for an estimate of the amount of money necessary for the construction of the project.

Mr. SMOOT. I notice that the bill provides:

there is hereby authorized to be appropriated from any money in the reclamation fund such amounts as may be necessary to carry out the purposes of this act, to be appropriated from time to time upon estimates made by the Secretary of the Interior.

That money will come out of the reclamation fund, will it not?

Mr. McNARY. Certainly, if the project is found to be feasible following the estimates and if in the future the Secretary shall report it favorably for the consideration of Congress.

Mr. SMOOT. Then the only money that will be expended in case the report shall be adverse will be for examinations and surveys?

Mr. McNARY. I will say to the Senator that a complete examination has been made. I merely want the Secretary to submit to Congress an estimate of the cost of the project. It will require no new survey and no expenditure of money, in my opinion, whatsoever.

Mr. KING. Mr. President, will the Senator permit an inquiry?

Mr. McNARY. I shall be glad to yield.

Mr. KING. I notice that the title of the bill reads:

To provide for the construction of the Deschutes project in Oregon, and for other purposes.

Does not the Senator agree that it might be better and obviate any supposed commitment to amend the title so that it would read something like this?—

To secure data with respect to the feasibility of constructing the Deschutes project, Oregon.

Mr. McNARY. Mr. President, the title is in the usual form in which similar bills have been passed. I would not desire to have it changed, because it does not commit the Government until the estimates are submitted, if it shall be found feasible by the Secretary of the Interior, and estimated for by the Director of the Budget, and approved by Congress. So I would prefer to leave the title as it is.

Mr. KING. The Senator states that the titles of similar bills which have provided for the securing of such data have been in the same form?

Mr. McNARY. Yes. Last year the Senator from Wyoming [Mr. KENDRICK] introduced such a bill, which was passed in connection with a Wyoming irrigation project, and the Senator

from Texas [Mr. SHEPPARD] and other Senators, as I now recall, also had similar bills passed.

Mr. KING. Then the department construes measures of this kind as not committing the Government at all to the construction of the projects?

Mr. McNARY. Not at all.

Mr. SMOOT. I will inquire of the Senator if he thinks section 3 of the bill is necessary? It reads:

SEC. 3. That to enable the Secretary of the Interior to continue surveys and investigations, to negotiate the necessary contracts for the repayment of the cost of said project, or the units thereof, and for the purpose of constructing said storage reservoir, incidental works, canals, conduits, and appurtenant structures, there is hereby authorized to be appropriated from any moneys in the reclamation fund such amounts as may be necessary to carry out the purposes of this act, to be appropriated from time to time upon estimates made by the Secretary of the Interior.

Mr. McNARY. That provision is necessary in order to obtain the data.

Mr. SMOOT. Is an appropriation for that purpose authorized?

Mr. McNARY. Not at all. The survey has already been made. I want the Interior Department merely to submit to Congress an estimate. For a survey, this bill is not required, because the act of 1902 and the amendatory acts permit the Secretary of the Interior to make the surveys; so whatever construction may be placed on it, I am not asking for anything that is not now existing law.

Mr. SMOOT. I am perfectly aware of that and, therefore, I thought that the language to which I have referred was unnecessary for that reason.

Mr. McNARY. If it is unnecessary, it is harmless, in any event.

Mr. SMOOT. All the other projects have been constructed under existing law.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The next amendment of the Committee on Irrigation and Reclamation was, on page 3, after line 12, to insert:

The Secretary of the Interior is hereby directed to submit to Congress, in accordance with section 16 of the act of August 13, 1914, (38 Stat. 686), estimates of the amount of money necessary to be expended for the construction of any unit or units or parts of units referred to in section 1 of this act, which he may find to be feasible.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

G. W. GILKISON

The bill (H. R. 5380) to correct the military record of G. W. Gilkison was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

JOSEPH M. BLACK

The bill (H. R. 9151) for the relief of Joseph M. Black was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

FORT M'HENRY, MD.

The Senate as in Committee of the Whole proceeded to consider the bill (H. R. 204) to authorize an additional appropriation for Fort McHenry, Md.

The bill was read, as follows:

Be it enacted, etc., That the sum of \$81,678 is authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for further carrying out the provisions of the act approved March 3, 1925, chapter 425 (Public, No. 543), entitled "An act to repeal and reenact chapter 100, 1914 (Public, No. 108), to provide for the restoration of Fort McHenry, in the State of Maryland, and its permanent preservation as a national park and perpetual national memorial shrine as the birthplace of the immortal Star-Spangled Banner, written by Francis Scott Key, for the appropriation of the necessary funds, and for other purposes," approved March 3, 1925 (43 Stat. L. 1109).

Mr. JONES. Mr. President, let us have a brief explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, the bill authorizes an appropriation to complete the restoration of Fort McHenry, Md., which is historically important because it was the site of the attack that inspired the writing of The Star-Spangled Banner. In the last Congress a bill was introduced carrying \$192,000 for this purpose, but after further study by the War Department it was found that that was needlessly large and the department has recommended an appropriation of only \$81,678, as carried by the bill.

Mr. JONES. This bill merely provides for the preservation of Fort McHenry as a national park?

Mr. REED of Pennsylvania. That is all.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PENSIONS FOR AVIATION DUTY

The bill (S. 3198) to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read "Army, Navy, and Marine Corps," was announced as next in order.

Mr. KING. Let that bill go over.

Mr. ROBINSON of Arkansas. Mr. President, I think there should be an explanation of the purposes and effect of the bill.

Mr. KING. I have asked that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### GEORGE W. BOYER

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2657) for the relief of George W. Boyer, which was read, as follows:

*Be it enacted, etc.,* That the claim of George W. Boyer, of Pine Grove, Pa., owner of the barge *Pine Grove*, against the United States of America for damages alleged to have been caused by collision on December 7, 1925, between said barge and the highway bridge at Coinjock, N. C., while said bridge was owned and operated by the United States, may be litigated and determined in the District Court of the United States for the Eastern District of Virginia, sitting as a court of admiralty and acting under the rules governing such courts, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States of America in favor of said George W. Boyer, or against said George W. Boyer in favor of the United States of America, ascertained upon the principles and measures of liability applicable in like cases in admiralty between private persons or corporations, with the same right of appeal: *Provided*, That notice of any suit brought by George W. Boyer by virtue hereof shall be given to the Attorney General of the United States in the manner provided by any order entered by the District Court of the United States for the Eastern District of Virginia, at Norfolk, in said cause, and it shall be the duty of the Attorney General of the United States to cause the United States attorney for the eastern district of Virginia at Norfolk to appear on behalf of the United States and protect and defend its interests: *Provided further*, That the proceeding hereby authorized shall be begun within four months from the date of the passage of this act.

Mr. JONES. Let us have a brief explanation of that bill.

Mr. SWANSON. Mr. President, this bill is in the usual form and provides that there shall be referred to the proper district court of the United States a claim for damages arising because of a collision of the barge *Pine Grove* with the highway bridge at Coinjock, N. C. Instead of paying for the damages outright by act of Congress, it is proposed to allow the claimant to sue in the district court of the United States where the Government of the United States may defend itself. As I have said, it is in the usual form, and I think the bill should be passed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RURAL POST ROADS

Mr. ODDIE. I ask unanimous consent that the Senate recur to Order of Business No. 320, being the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

Mr. PITTMAN. Mr. President, I have examined the bill very carefully, as I did the bill which was before the Senate during the last Congress, and I wish to join with the Senator from Nevada in urging its passage.

Mr. ROBINSON of Arkansas. May I ask if the amendments which have been reported to the bill were contained in the bill which was before the Senate during the last Congress?

Mr. PITTMAN. There were some of the amendments in the bill which passed last year. But other amendments have been added, in order to accomplish the same objects which were provided for in that bill. However, since the passage of the bill the road bureau has stated that without the amendments proposed the bill would not accomplish the purpose desired and contemplated.

Mr. SMOOT. Was a report made on the bill?

Mr. ODDIE. There is a favorable report from the department including a suggestion for the clarification of the wording in part of the bill used last year, and I have made the change suggested by the department.

Mr. SMOOT. There is no report in my calendar.

Mr. ODDIE. I have the report from the department right here.

Mr. SMOOT. It is a favorable report, is it?

Mr. ODDIE. There was one amendment offered by the Senator from Washington [Mr. JONES], which appears on page 5, lines 1 to 10. I have accepted that amendment and have had it incorporated in the bill. That was not covered in the department's report; but everything else in the bill was reported upon favorably by the department.

Mr. ROBINSON of Arkansas. Mr. President, what is the effect of that amendment?

Mr. ODDIE. It qualifies the provision in section 4 for protecting highway road markers, which prevents objectionable advertising signs on the main Federal-aid highways. The amendment is as follows:

*Provided*, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations, heretofore engaged in sign-posting work under the direction of such highway departments, to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department.

Mr. ROBINSON of Arkansas. I think that is a good amendment.

Mr. SHORTRIDGE. That was acceptable, was it? That meets the objections—

Mr. ODDIE. That meets the objection heretofore made by important road organizations in the State of California and other Western States.

Mr. BLAINE. Mr. President, I should like to inquire the purpose of attaching a penalty with respect to this provision by the Government of the United States. It seems to me that that is a question of police regulation for the respective States, and this provision simply means that there will be double jeopardy. Are not the States competent to regulate the use of highways within the respective States?

Mr. ODDIE. They are to a certain extent, Mr. President; but much of this work is done with Federal aid, and I will say to the Senator from Wisconsin that the American Association of State Highway Officials has indorsed this provision in regard to the penalties for defacing the road markers.

Mr. BLAINE. Yes; but those officials have no authority to impose upon the people of a State the possibility of a double jeopardy, and to surrender the police jurisdiction of the respective States over these matters. I think all of that part which refers to penalties respecting a purely local police regulation should be stricken out.

I am not opposed to the bill. I am just opposed to imposing upon the States this kind of legislation. I think the States are capable of regulating these matters themselves.

Mr. SMOOT. Mr. President, many of these are interstate roads, and without the penalty the provision would be ineffective. If you take out the penalty, you might just as well reject the amendment.

For instance, in my State the road goes right through the State of Utah into Nevada. You go from Salt Lake City out to the boundary line of Utah within a couple of hours or three hours, with a good automobile, and then you are in the State of Nevada.

Mr. BLAINE. Mr. President, let me call attention to the fact that this penalty attaches to that which the highway department of a State does. If the highway department does not do it, the penalty does not attach. Why have it attach, when the State has jurisdiction to do what the bill proposes that the State may do? Why attach a penalty? Why not leave that to the State?

Mr. ODDIE. Mr. President, this work is financed partly by the Federal Government under the Federal-aid system.

Mr. SMOOT. Largely.

Mr. BLAINE. Is it not a very small portion?

Mr. ODDIE. It is 50 per cent in most States, and in the so-called public-land States the contribution of the Federal Government is increased in proportion to the acreage of public lands in those States.

Mr. BLAINE. In my own State we expend perhaps twenty or twenty-five times as much as the Federal Government contributes. Why have this additional penalty? Why have the possibility of double punishment? Why take away from the States their proper jurisdiction to pass laws with reference to their police powers? I think it is an indirect violation of the ninth amendment and the tenth amendment, and it is going to lead to this, if the Senator will yield just for the suggestion: The time is very close at hand when it will be proposed that the Federal Government take over the policing of all highways in part constructed by Federal funds, and we will find our States deprived of their ordinary police powers with respect to these matters.

I think the States can be trusted to carry out their police powers, and I am opposed to any provision with respect to matters of this kind when the States themselves are vitally interested, and when the duty rests upon them, and when they will discharge that duty.

I must object to the bill in the present situation, unless the Senator will strike out the penal provision imposing the possibility of double jeopardy.

Mr. ODDIE. Mr. President, one reason for the necessity for this provision is this:

There are places in the desert country where losing one's way on the roads means death. I personally have been in that country for many years, and I know that several times I have come very close to death by reason of the lack of highway signs; and there are people who willfully destroy those signs.

Mr. BLAINE. Permit me to suggest that I am not objecting to the provision with respect to placing the signs; but why not let your State protect your citizens? Is it going to fail in its duty? I think not.

Mr. ODDIE. No, Mr. President; but my State and the highway departments of all the States have asked that this provision be put in the bill.

Mr. BLAINE. I do not think the highway department ever thought of the question of the penalty.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. ODDIE. Will the Senator waive his objection and let the bill go through in this way and let it go to conference, so that the matter can be adjusted there? If not, I will ask that the matter go over for five minutes, so that I can discuss the matter with the Senator from Wisconsin.

The PRESIDING OFFICER. The bill will be passed over without prejudice. The clerk will state the next bill on the calendar.

PAUL D. CARLISLE

The bill (S. 3201) for the relief of Paul D. Carlisle was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the stoppage placed against the pay of Paul D. Carlisle, a major on the retired list of the United States Army, in the sum of \$341.28, by reason of the absence with leave not in a full-pay status, be, and the same hereby is, removed, and in case the sum, or any part thereof, has been already deducted from his pay the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the said Paul D. Carlisle the sum of \$341.28, or such lesser sum, equal in amount to the sum so deducted.

Mr. JONES. Mr. President, I should like to have an explanation of that bill.

Mr. SHEPPARD. Mr. President, the War Department advised this officer that he was entitled to leave of absence for something like three and a half months. He took that leave of absence. After that he was retired. Before he was retired they checked up his pay, and in checking up his leave records they decided that he was not entitled to the three and a half months, but was entitled to only 2 months and 11 days, and therefore they docked his pay for that amount. The War Department says the error should be cured by this bill; that the officer was not to blame for taking the excess leave.

Mr. SMOOT. He must have known how much leave he had.

Mr. SHEPPARD. He took the word of the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

W. H. KAUFMAN

The bill (S. 2061) for the relief of W. H. Kaufman was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, on page 1, line 5, after the words "sum of," to strike out "\$50" and insert "\$25," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury is authorized and directed to pay to W. H. Kaufman, out of any money in the Treasury not otherwise appropriated, the sum of \$25, in full satisfaction of all claims against the United States for damage to his crops caused by the landing of a United States Forest Service airplane engaged in forest-fire patrol.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

OLD DOMINION LAND CO.

The bill (S. 2926) for the relief of the Old Dominion Land Co. was considered as in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment, to strike out all after the enacting clause and to insert:

That the Comptroller General of the United States be, and he is hereby, authorized and directed to certify for payment to the Old Dominion Land Co., from any money in the Treasury not otherwise appropriated, the sum of \$3,314.40, on account of destruction by the United States of two buildings formerly located on premises leased from the claimant in connection with Camp Hill and Camp Stuart, Va.

Mr. JONES. Mr. President, may we have an explanation of that bill?

Mr. HOWELL. Mr. President, this is a case where two buildings on property leased for cantonment purposes were destroyed or removed. The Comptroller General has held that there was an implied contract against waste on this property, and that the removal of the buildings was not authorized under the lease. Therefore, after investigation, it has been determined that the value of these buildings was as stated in the bill; and, while the Secretary of War does not directly recommend the payment of this bill, it was forwarded by the War Department to the Claims Committee with the request that the bill for the reimbursement of this company be reduced.

Mr. JONES. Is there any question as to the value of the buildings?

Mr. HOWELL. The Comptroller General went into the matter and determined that this was the amount due, and that if the claim was to be allowed this was not excessive.

Mr. JONES. Has this property been turned back to the original possessors?

Mr. HOWELL. That is my understanding—that the property has been turned back, and the matter closed.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CHIPPEWA INDIANS OF MINNESOTA

The bill (S. 2342) providing for a per capita payment of \$25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with amendments, on page 2, line 2, after the words "distribution of," to strike out "\$100" and to insert "\$25"; in line 3, after the word "each," to insert "of the"; and in the same line, after the word "enrolled," to strike out "member of the tribe" and insert "Chippewa Indians of Minnesota," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized to withdraw from the Treasury of the United States so much as may be necessary of the principal fund on deposit to the credit of the Chippewa Indians in the State of Minnesota, arising under section 7 of the act of January 14, 1889 (25 Stat. L. 642), entitled "An act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and to make therefrom a per capita payment or distribution of \$25 to each of the enrolled Chippewa Indians of Minnesota, under such rules and regulations as the said Secretary may prescribe: *Provided*, That before any payment is made hereunder the Chippewa Indians of Minnesota shall, in such manner as may be prescribed by the Secretary of the Interior, ratify the provisions of this act and accept same: *Provided further*, That the money paid to the Indians as authorized herein shall not be subject to any lien or claim of attorneys or other parties.

Mr. SMOOT. Mr. President, I was going to ask the Senator from Minnesota [Mr. SHIPSTEAD] whether there was not a provision in the last Interior Department appropriation bill authorizing an annual per capita payment to these Indians.

Mr. REED of Pennsylvania. Mr. President, the bill is objected to by the Secretary of the Interior, who says there is no necessity for the payment, and it is objected to by the Budget Bureau; and I therefore ask that it go over.

Mr. JONES. Mr. President, let me suggest to the Senator that a representative of the Indian Bureau was present before the committee, I remember—I happened to be present when this matter was heard—and he thought it would be well to make this \$25 payment. He thought it was quite desirable under the conditions there. The bill as originally presented was objected to, I think, by the department and also by the Budget; but as amended by the committee the amount is cut down to \$25, which the representative of the department who was present before the committee thought was a proper thing to do.

Mr. REED of Pennsylvania. I understand that these Indians have about \$4,500,000 in their fund to their credit. It is not likely to be increased much. It will take about \$400,000, pretty nearly 10 per cent of it, to pay each Indian \$25. The Secretary of the Interior, in reporting on the bill, says that it ought to be held for times when their crops are short, to tide them over emergencies; that in the last season their crops were not short, and that there is no occasion for paying them anything.

I see the Senator from North Dakota [Mr. FRAZIER] here now, and I will ask him for an explanation of the bill.

Mr. FRAZIER. Mr. President, both the Senators from Minnesota were very much in favor of a small allotment to these Indians.

It seems that these particular Indians depend a great deal on the wild-rice crop upon the lakes in Minnesota in their territory. A great deal of wild rice grows there, and they depend largely upon the wild rice for their food in the winter. They also sell to the stores a good deal of the wild rice that they gather there. I had a letter from one of the storekeepers in that locality, and he said that on account of the short wild-rice crop they could not buy it at the stores, that the Indians did not have enough to live on, and he was very strongly in favor of their getting at least a small per capita payment. All who have expressed themselves on the matter think there should be a small per capita payment, and we thought \$25 was about right.

Mr. ROBINSON of Arkansas. Mr. President, if the Senator will yield, I notice that there is printed in the report a petition, signed apparently by a great many Indians, setting forth substantially the facts stated by the Senator from North Dakota. They say:

Our gardens were killed by frost, the wild-rice crop of last fall was very poor, and our people are suffering from hunger and cold.

That petition is signed by a large number of Indians. It looks to me, if that showing is made, as if they ought to be permitted to have at least a small amount of their own money.

Mr. BRATTON. Mr. President, will the Senator from North Dakota yield?

Mr. FRAZIER. I yield.

Mr. BRATTON. That statement was made by one of the Senators from Minnesota before the committee in the presence of the Commissioner of the Bureau of Indian Affairs, and, as I recall, was not controverted by him in any way.

Mr. FRAZIER. It was not.

Mr. BRATTON. I take it that that statement stands undisputed.

Mr. SMOOT. Mr. President, I ask whether in the Interior Department appropriation bill a payment was not provided for on behalf of these Chippewa Indians.

Mr. FRAZIER. I think not.

Mr. SMOOT. The Senator will remember that there were three or four, and I do not remember whether there was one for this purpose or not. That is the reason only I asked the question. If there was, of course, there would be no necessity for this legislation.

Mr. FRAZIER. It is my understanding that there was not.

Mr. REED of Pennsylvania. I withdraw the objection.

Mr. FLETCHER. Mr. President, I notice in the petition that they say that they ought to have \$50 per capita, and that anything else would be inadequate; but if they are satisfied with \$25, I suppose we should have no objection.

The PRESIDING OFFICER. The question is on agreeing to the amendments.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill providing for a per capita payment of \$25 to each enrolled member of the Chippewa Tribe of Minnesota from the funds standing to their credit in the Treasury of the United States."

#### RURAL POST ROADS

Mr. ODDIE. Mr. President, I ask unanimous consent to return to Calendar 320, Senate bill 1341, to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

I have discussed this matter with the Senator from Wisconsin, and to correct what I think should have been corrected after studying the matter—

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Post Offices and Post Roads with amendments, on page 3, in line 14, after the word "Agriculture," to strike out down to and including the word "State," on line 1, page 4, and to insert "upon request from the State highway department of such State, may increase the share payable by the United States to any percentage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but the average Federal pro rata allotted to all Federal-aid projects in any such State during any fiscal year shall not exceed the pro rata authorized in such State under the provisions of this act"; and on page 4, line 25, to strike out after the word "Agriculture" the words "and any person, firm," and insert "Provided, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations, heretofore engaged in sign-posting work under the direction of such highway departments, to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department," so as to make the bill read:

*Be it enacted, etc.,* That paragraph 4, section 4, of the act entitled "An act making appropriations for the Post Office Department for the fiscal year ending June 30, 1923, and for other purposes," approved June 19, 1922 (42 Stat. L. 660), prescribing limitations on the payments of Federal funds per mile which the Secretary may make, is hereby amended by adding at the end thereof a further proviso, as follows:

"And provided further, That the Secretary of Agriculture may make payments in excess of the above limitations per mile in the case of any project involving construction in mountainous, swampy, or flood lands, on which the average cost per mile for the grading and drainage structures other than bridges of more than 20 feet clear span will exceed \$10,000 per mile; and also in the case of any project which, by reason of density of population or character and volume of traffic, the State highway department and the Secretary of Agriculture may determine should be improved with a surface of greater width than 18 feet. In no event shall the payments of Federal funds on any project under this proviso exceed 50 per cent of the cost of the project, except as such payments are authorized to be increased in the public-land States."

SEC. 2. That the paragraph of section 6 of the Federal highway act, approved November 9, 1921, which reads as follows: "Not more than 60 per cent of all Federal aid allotted to any State shall be expended upon the primary or interstate highways until provision has been made for the improvement of the entire system of such highways: *Provided,* That with the approval of any State highway department the Secretary of Agriculture may approve the expenditure of more than 60 per cent of the Federal aid apportioned to such State upon the primary or interstate highways in such State," is hereby repealed.

SEC. 3. That section 11 of the Federal highway act, approved November 9, 1921 (42 Stat. L. 212), as amended or supplemented, be further amended by adding at the end of the second paragraph thereof the following:

"And provided further, That in the case of any State containing unappropriated public lands and nontaxable Indian lands, individual and tribal, exceeding 5 per cent of the total area of all lands in the State in which the population, as shown by the latest available Federal census, does not exceed 10 per square mile of area, the Secretary of Agriculture, upon request from the State highway department of such State, may increase the share payable by the United States to any per-

centage up to and including the whole cost on projects on the primary system of Federal-aid highways and on projects on the secondary system when the latter is a continuation of a route on the primary system or directly connects with a route on the primary system of an adjoining State, but the average Federal pro rata allotted to all Federal-aid projects in any such State during any fiscal year shall not exceed the pro rata authorized in such State under the provisions of this act.

SEC. 4. That hereafter the shield or other insignia of the United States as shown on the seal of the United States, or any simulation thereof shall not be used as a highway marker, directional sign, or advertising medium on or along any road or highway in the United States, which is a part of or may become a part of the primary or interstate or secondary or intercounty highway system as designated in accordance with the Federal highway act of November 9, 1921, except where heretofore or hereafter so used by the highway departments of the several States acting cooperatively through their organization, known as the American Association of State Highway Officials, and with the United States Department of Agriculture: *Provided*, That nothing herein shall be held to prohibit the highway department of any State from authorizing motoring organizations, associations, and corporations heretofore engaged in sign-posting work under the direction of such highway departments to erect and maintain such highway markers and directional signs when done without expense to the State or the United States, or to place on such markers and directional signs the insignia or name of the agency so designated, when done in a manner approved by such highway department; and any person, firm, organization, corporation, or association who shall use or shall simulate and use such shield or other insignia of the United States as a highway marker, directional sign, or advertising medium for or along such highways, or who shall destroy, mutilate, deface, tear down, or remove any such highway marker or directional sign heretofore or hereafter erected by the highway department of any State on said system of highways, shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not to exceed \$100 or by imprisonment for not more than 30 days, or by both such fine and imprisonment, in the discretion of the court.

SEC. 5. All acts or parts of acts in any way inconsistent with the provisions of this act are hereby repealed, and this act shall take effect on its passage.

The amendments were agreed to.

Mr. ODDIE. Mr. President, I ask that the bill be further amended by striking out the word "such," on line 12, page 5, and inserting the word "any."

The amendment was agreed to.

Mr. ODDIE. I move to amend, on line 15, page 5, by striking out the word "such," and on lines 16 and 17 by striking out the words "highway department of any State" and inserting in lieu thereof the words "the Bureau of Public Roads, at the expense of the Federal Government."

The purpose of this amendment is to make the penalty apply only to signs erected by the Federal Government and at the expense of the Federal Government.

The amendment was agreed to.

Mr. BRUCE. Mr. President, may I ask the Senator from Nevada whether that is the bill about which we arrived at an understanding a moment ago?

Mr. ODDIE. It is the same bill.

Mr. REED of Pennsylvania. Mr. President, I send to the desk the following amendment.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 5, after line 21, add a new section, as follows:

SEC. 5. In every case in which, in the judgment of the Secretary of Agriculture, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

Mr. ODDIE. Mr. President, I ask the Senator from Pennsylvania if he will not withhold the amendment until the regular Federal aid highway bill comes up?

Mr. REED of Pennsylvania. Mr. President, I propose to offer the amendment to that, too. The Senator will notice that it does not compel the specification of shade trees in any case. It is only in those cases in which, in the judgment of the Secretary of Agriculture, it is practicable and desirable that shade trees should be planted. Then he shall specify them, as he would the other details of the road.

I do not mean to make any lengthy remarks upon the subject. Two years ago the Senate adopted the same amendment without apparent objection from any source. I was compelled to take a train in the middle of the afternoon, and just after I had left the Senate a motion was made to reconsider and strike out the amendment. It was done without debate, and I think without the Senate knowing what was going on.

All of us realize the necessity in this country of protecting our roads, if we can, by the use of shade trees, where it will not injure a road or be to the disadvantage of the public.

Mr. ODDIE. Mr. President, I accept the amendment.

Mr. BLAINE. Mr. President, I hope this amendment will not be inserted in the bill. Just as I suggested a few moments ago, the time is not far distant when the Federal Government is going to reach out its hands and attempt to assume complete jurisdiction over highways to which they contribute very little money in comparison with what the States contribute.

In some sections it is a positive injury to a highway to have shade trees along the highway, and we are endeavoring to cut them out and clear the roadsides, so that the highway might have its proper drainage and the proper sun and the proper air in the springtime and in seasons of great rainfall and in the winter, because of the snow that fills in the cuts and the grades, and is held in them for months many, many feet deep. Here is a proposal to turn over to an individual in the city of Washington, far away from those localities, the power to compel the planting of shade trees along those highways.

I think this is yielding a duty and a right that belongs to the respective States of this Nation, and for that reason I hope the amendment will not be adopted. I think this is a bill which, in view of the circumstances that have arisen this morning, really ought to go over for very deliberate consideration. Therefore I am persuaded to object.

The PRESIDING OFFICER. The bill will go over.

Mr. MOSES obtained the floor.

Mr. ODDIE. Mr. President—

The PRESIDING OFFICER. Does the Senator from New Hampshire yield to the Senator from Nevada?

Mr. MOSES. I yield.

Mr. ODDIE. I will ask the Senator from Pennsylvania if, in the face of this objection, he will not consent to withdraw the amendment?

Mr. REED of Pennsylvania. No; Mr. President, certainly it is high time that in the United States we should begin to give some thought to the beauty of our countryside.

Mr. FLETCHER. Regular order!

Mr. MOSES. Under the regular order, I am recognized. I ask unanimous consent to return to Calendar No. 318.

Mr. FLETCHER. I object. If the Senator will allow the next bill on the calendar to be passed, to which there can be no objection, I will make no objection to his request.

Mr. MOSES. Does the Senator mean Calendar No. 341?

Mr. FLETCHER. Calendar No. 341. I want to have that bill disposed of.

JOE W. WILLIAMS

The PRESIDING OFFICER. The clerk will report Calendar No. 341.

The CHIEF CLERK. Senate bill 484, a bill for the relief of Joe W. Williams.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

Mr. HEFLIN. Mr. President, it is almost 2 o'clock, and as there are a great many bills which have not been reached, I suggest to the Senator from Kansas that we go ahead with the calendar after 2 o'clock.

Mr. CURTIS. Mr. President—

Mr. MOSES. I still have the floor, and I yield to the Senator from Kansas.

Mr. CURTIS. It was my intention to ask at 2 o'clock that the unfinished business be temporarily laid aside and that we proceed to the consideration of unobjected bills on the calendar. I do hope, if that consent shall be given, that Senators will confine themselves to short debate, to the five minutes allowed under the rule, and that they will not continue to ask us to go back and take up bills that have been passed over. In this way we can devote all the afternoon to the consideration of measures to which there is objection, and I hope that we may complete the calendar.

Mr. ODDIE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. ODDIE. I will ask what is before the Senate now?

Mr. MOSES. The Senator from New Hampshire is before the Senate.

Mr. ODDIE. What bill?

The PRESIDING OFFICER. Senate bill 484, for the relief of Joe W. Williams.

Mr. ODDIE. I will ask that that go over until I have an opportunity to study it.

Mr. FLETCHER. Mr. President, may I say to the Senator that it is a bill which affects simply the question of adjusting some confusion in the title of lands in Alabama and Florida.

Everybody is in favor of it; the department is in favor of it, and it merely enables the quieting of the title.

Mr. ODDIE. Under those circumstances, I withdraw my objection.

The PRESIDING OFFICER. Is there objection?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to convey by patent to Joe W. Williams, of Chipley, Fla., the west half of the west half of section 19, township 7 north, range 12 west, Houston County, Ala., upon payment by the said Joe W. Williams to the United States of the sum of \$1.25 per acre, at any time within 90 days after the enactment of this act: *Provided,* That upon default on the part of said Williams in making such payment within said period, all rights hereby conferred shall lapse.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### TRANSPORTATION OF MAILS BY AIR TO FOREIGN COUNTRIES

Mr. MOSES. Mr. President, I renew my request for unanimous consent to return to Calendar No. 318, Senate bill 1666, to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service from the appropriation of foreign mails at fixed rates per pound or per mile, and for other purposes.

Accepting the rebuke of the Senator from Kansas about returning to bills on the calendar, I will say that I was engaged in a subcommittee with a hearing and could not be here when the calendar was called earlier in the day.

Mr. CURTIS. Mr. President, the so-called rebuke was not intended as a rebuke. It was a warning simply that if we are to get through with the calendar we should not go back to bills to which objection has been made.

The PRESIDING OFFICER. Is there objection to the request of the Senator from New Hampshire? The Chair hears none.

Mr. MOSES. Mr. President, I report back favorably from the Committee on Post Offices and Post Roads the bill (H. R. 7213) to grant authority to the Postmaster General to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile, and for other purposes.

This bill is identical with Senate bill 1666 and has been passed upon by the Committee on Post Offices and Post Roads. It applies simply to an authorization of the Postmaster General to make contracts for the carrying of air mail into foreign countries. He already has the authority to make contracts for the transportation of mail as between the States, but none as to the transportation of mail into foreign countries by air. There is a development of air mail routes into Latin America particularly, which it is desired to make use of by reason of this legislation. The bills are exactly the same in terms, almost exactly the same in language, and I would like, if unanimous consent is granted to return to the consideration of this bill, to substitute the House bill for the Senate bill, and to ask for its passage.

Mr. KING. I would like to ask the Senator if there is any necessity for this legislation at the present time.

Mr. MOSES. This legislation covers no increase in appropriation whatever. It simply gives the Postmaster General the authority to make contracts under the existing appropriation for air mail transportation, so that there may be air mail transportation between this country and Latin America. There is not a cent involved in it; it is merely a matter of discretion and judgment on the part of the Postmaster General, and it is essential only in so far as it is generally regarded as essential to bring about the development of air mail transportation.

Mr. ROBINSON of Arkansas. Mr. President, may I ask the Senator a question?

Mr. MOSES. I yield to the Senator from Arkansas.

Mr. ROBINSON of Arkansas. Referring to the proviso on page 2, that "in the award and interpretation of the contracts herein authorized, the decision of the Attorney General shall be final, and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts," is that a change in existing law or a new law?

Mr. MOSES. No; it is not a change in the existing law. It is a fact that exists with respect to all contracts which are made by the Post Office Department for transportation of mails, whether by rail, by bus, by water, or in any other way whatever.

Mr. KING. What is the necessity of the limitation?

Mr. MOSES. I will say to the Senator from Utah that it is in order to obviate the constant recourse which used to be had by contractors for carrying the mails when they would find themselves frequently in a situation where, by reason of physical conditions, they found it more expensive to carry the mails than they had anticipated when they made their bid and accepted the contract, and they kept coming here repeatedly to Congress for relief by legislation. It is in order to do away with all that, and to make whatever contract is entered into final and conclusive.

Mr. ROBINSON of Arkansas. Congress can not estop itself from further legislation on the subject. This would not prevent the Congress itself, either now or at another session, from repealing this provision or enacting any other it wanted to.

Mr. MOSES. That is true; but it will provide to the Senator from Arkansas, in his capacity as a member of the Committee on Post Offices and Post Roads, with ample justification for refusing to consider such pleas as are brought to us.

The PRESIDING OFFICER. Is there objection to substituting House bill 7213 for Senate bill 1666?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider House bill 7213, which was read, as follows:

*Be it enacted, etc.,* That when, in his judgment, the public interest will be promoted thereby, the Postmaster General is authorized to enter into contracts for the transportation of mails by air to foreign countries and insular possessions of the United States for periods of not more than 10 years, and to pay for such service at fixed rates per pound or per mile; and the Postmaster General is hereby authorized to award such contracts to the bidders that he shall find to be the lowest responsible bidders that can satisfactorily perform the service required to the best advantage of the Government: *Provided,* That the rate to be paid for such service shall not in any case exceed \$2 per mile: *And provided further,* That in the award and interpretation of the contracts herein authorized, the decision of the Postmaster General shall be final, and not subject to review by any officer or tribunal of the United States, except by the President and the Federal courts.

SEC. 2. The Postmaster General shall make and issue such rules and regulations as may be necessary to carry out the provisions of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

The PRESIDING OFFICER. The Senate bill will be indefinitely postponed.

#### ORDER OF BUSINESS

The PRESIDING OFFICER. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which is Senate Joint Resolution 46.

Mr. CURTIS. Mr. President, I ask unanimous consent that the unfinished business be temporarily laid aside and that the Senate proceed with the consideration of unobjected bills on the calendar until the calendar is completed, with the exception that I understand the Senator from New York [Mr. COPPELAND] desires to present his resolution, which will take just a few moments.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas?

Mr. KING. I suppose the Senator means when the call of the calendar is completed we are not to return to the beginning?

Mr. CURTIS. That is my idea. I will state that if the call of the calendar is completed this afternoon, it is my intention to ask that when the Senate adjourns to-day it shall adjourn to meet at noon Monday next.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Kansas? The Chair hears none. The unfinished business is temporarily laid aside. The clerk will state the next bill on the calendar.

#### RURAL POST ROADS

Mr. ODDIE. Mr. President, I ask unanimous consent to return again to Calendar 320, the bill (S. 1341) to amend the act entitled "An act to provide that the United States shall aid the States in the construction of rural post roads, and for other purposes," approved July 11, 1916, as amended and supplemented, and for other purposes.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Nevada?

Mr. LA FOLLETTE. I will withdraw my objection for the present.

Mr. ROBINSON of Arkansas. I think we should proceed with the calendar.

Mr. ODDIE. I think the last objection has been settled, and that we can get through with the consideration of the measure in a few minutes.

Mr. LA FOLLETTE. I reserve the right to object.

The PRESIDING OFFICER. That is equivalent to objection.

Mr. LA FOLLETTE. Very well; I withhold my objection.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

Mr. ODDIE. The last amendment to the bill is proposed by the Senator from Pennsylvania. I have just consulted with him and the Senator from Wisconsin about it, and we have decided that with this amendment the bill will be accepted. I therefore will offer the amendment.

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 5, after line 21, insert the following new section:

SEC. 5. In every case in which, in the judgment of the Secretary of Agriculture and the highway department of the State in question, it shall be practicable to plant and maintain shade trees along the highways authorized by said act of November 9, 1921, and by this act, the planting of such trees shall be included in the specifications provided in section 8 of said act of November 9, 1921.

Mr. REED of Pennsylvania. I accept that modification of my amendment.

The amendment as modified was agreed to.

The bill was reported to the Senate and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### SALE OF LANDS NEAR GARDEN CITY, KANS.

The bill (S. 2545) to authorize the sale of certain lands near Garden City, Kans., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the State of Kansas be, and it is hereby, authorized to sell all or any part of the following-described land granted to said State under the provisions of the act of Congress approved June 22, 1916, to wit: Sections 25, 26, and 35 in township 24 south, and sections 1 and 2 in township 25 south, all in range 33 west of the sixth principal meridian, notwithstanding the restrictions contained in said act: *Provided*, That the proceeds of said sale shall be used to purchase land in sections 23 and 24 in township 24, range 33, and in sections 19 and 30 in township 24, range 32, all in Finney County, Kans., to be used as a State game preserve.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC LANDS IN OKLAHOMA

The bill (S. 2725) to extend the provisions of section 2455, United States Revised Statutes, to certain public lands in the State of Oklahoma was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That all the provisions of section 2455, United States Revised Statutes, as amended, be, and they are hereby, extended to surveyed, unreserved, unappropriated nonmineral public lands in that part of the State of Oklahoma formerly comprised in Oklahoma Territory: *Provided*, That this act shall not apply to any such area where under existing law such lands are now subject to public or private sale: *Provided further*, That the proceeds of all sales hereunder shall be deposited in the Treasury of the United States to the credit of such fund or funds as may be provided by existing law for the disposition of such lands.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### IMPERIAL COUNTY (CALIF.) HIGHWAY

The bill (H. R. 5686) granting a right of way to the county of Imperial, State of California, over certain public lands for highway purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior be, and he hereby is, authorized, subject to valid existing adverse rights, to grant to the county of Imperial, State of California, for use as a public highway all the right, title, and interest of the United States of America in and to all or any of the following-described property, situated in the county of Imperial, State of California, being 80 feet in width and lying 40 feet northerly and southerly of and parallel with the following-described center line:

Beginning at the common corner of sections 1, 2, 11, and 12 of township 17 south, range 16 east, San Bernardino base and meridian; thence easterly along the section line between sections 1 and 12 of township 17 south, range 16 east, and between sections 6 and 7, 5 and 8, 4 and 9, 3 and 10, 2 and 11, and 1 and 12 of township 17 south, range 17 east, and along the southerly line of sections 6, 5, and 4 of township 17 south, range 18 east, San Bernardino base and

meridian, to a point in the southerly line of the last-mentioned section 4, which point is 828.42 feet westerly of the southeast corner of said section; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the northwest, a distance of 1,570.80 feet to a point; thence north 45 degrees east, 5,810.17 feet to a point; thence northeasterly around a circular curve having a radius of 2,000 feet concave to the southeast, a distance of 1,570.80 feet to a point in the northerly line of section 2, township 17 south, range 18 east, San Bernardino base and meridian, which point is 828.42 feet easterly of the northwest corner of the last-mentioned section 2; thence easterly along the northerly line of sections 1 and 2, township 17 south, range 18 east, San Bernardino base and meridian, to its intersection with the center line of the California State highway extending from Holtville, Calif., to Yuma, Ariz.: *Provided*, That the Secretary of the Interior be, and he hereby is, authorized, as a condition precedent to the granting of said parcels of land for the purposes herein specified, to prescribe such conditions, to impose such limitations and reservations, and to require such bonds or undertakings as he may deem necessary in order to protect valid existing rights in and to said lands, including reclamation and public water reserve purposes: *Provided further*, That the grant herein made shall not apply to the southwest quarter, section 1, township 17 south, range 18 east, San Bernardino meridian.

Sec. 2. That the land herein ceded shall revert back to the United States when same shall cease to be used as a public highway.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### ZUNI INDIAN RESERVATION, N. MEX.

The bill (S. 1456) to authorize an appropriation for a road on the Zuni Indian Reservation, N. Mex., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Indian Affairs with an amendment on page 1, line 10, after the word "practicable" to insert the following additional proviso: "*And provided further*, That the proper authorities of the State of New Mexico or the county of McKinley shall agree to maintain such road free of expense to the United States," so as to make the bill read:

*Be it enacted, etc.*, That there is hereby authorized an appropriation of \$8,000, out of any money in the Treasury not otherwise appropriated, for the construction of that portion of the Gallup-St. Johns highway within the Zuni Indian Reservation, N. Mex., under the direction of the Secretary of the Interior and in conformity with such rules and regulations as he may prescribe: *Provided*, That Indian labor shall be employed so far as practicable: *And provided further*, That the proper authorities of the State of New Mexico or the county of McKinley shall agree to maintain such road free of expense to the United States.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF FEDERAL RESERVE ACT

The bill (S. 1989) to amend the third paragraph of section 13 of the Federal reserve act was considered as in Committee of the Whole. The bill had been reported from the Committee on Banking and Currency with amendments, on page 2, line 1, to strike out the words "are drawn to finance" and to insert in lieu thereof the words "grow out of," and on page 2, line 3, after the word "marketable" to insert the words "agricultural and other," so as to make the bill read:

*Be it enacted, etc.*, That the third paragraph of section 13 of the Federal reserve act be amended and reenacted to read as follows: "Upon the indorsement of any of its member banks, which shall be deemed a waiver of demand, notice, and protest by such bank as to its own indorsement exclusively, and subject to regulations and limitations to be prescribed by the Federal Reserve Board, any Federal reserve bank may discount or purchase bills of exchange payable at sight or on demand which grow out of the domestic shipment or the exportation of nonperishable, readily marketable agricultural and other staples and are secured by bills of lading or other shipping documents conveying or securing title to such staples: *Provided*, That all such bills of exchange shall be forwarded promptly for collection, and demand for payment shall be made with reasonable promptness after the arrival of such staples at their destination: *Provided further*, That no such bill shall in any event be held by or for the account of a Federal reserve bank for a period in excess of 90 days. In discounting such bills Federal reserve banks may compute the interest to be deducted on the basis of the estimated life of each bill and adjust the discount after payment of such bills to conform to the actual life thereof."

Mr. KING. Mr. President, I ask for an explanation of the bill.

Mr. SHEPPARD. Mr. President, the intermediate rural credits act amended the Federal reserve act so as to extend

the privilege of rediscount to drafts, with bills of lading attached, drawn to finance the shipment of agricultural products. The Federal reserve banks held in administering this law that the term "agricultural" referred only to raw agricultural products and, therefore, did not extend the privilege to finished agricultural products such as cottonseed oil, bran, flour, canned corn, and things of that kind. The Federal Reserve Board feels that if the privilege is extended to finished agricultural products it will be of great benefit to agriculture and to commerce as well, and will carry out the original intention of the first enactment.

Mr. ROBINSON of Arkansas. The Federal Reserve Board makes no objection?

Mr. SHEPPARD. The Federal Reserve Board recommends it.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL INDEFINITELY POSTPONED

The bill (H. R. 972) for the relief of James C. Simmons, alias James C. Whitlock, was announced as next in order. The bill had been reported adversely from the Committee on Military Affairs.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

#### FRED R. NUGENT

The bill (H. R. 4536) for the relief of Fred R. Nugent was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Fred R. Nugent, who was a private in the Hospital Corps, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 7th day of April, 1899: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PROTECTION OF FISH IN THE DISTRICT OF COLUMBIA

The bill (S. 2972) for the further protection of fish in the District of Columbia and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That section 2 of the act of May 17, 1898, entitled "An act for the protection of fish in the District of Columbia," etc, as amended by the act of March 3, 1901, entitled "An act to amend the acts for the protection of birds, game, and fish in the District of Columbia," be, and the same is hereby, further amended so as to read as follows:

"Sec. 2. That no person shall catch or kill in the waters of the Potomac River or its tributaries within the District of Columbia any black bass (otherwise known as green bass and chub), crappie (otherwise known as calico bass and strawberry bass), between the 1st day of January and the 29th day of May of each year, nor have in possession nor expose for sale any of said species between the dates aforesaid, nor catch or kill any of said species of fish at any other time during the year except by angling, nor catch nor kill any of the aforesaid species by what are known as out lines or trot lines, having a succession of hooks or devices."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 1131) to encourage and promote the production of livestock in connection with irrigated lands in the State of Wyoming was announced as next in order.

Mr. KENDRICK. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### NELLIE KILDEE

The bill (S. 1755) for the relief of Nellie Kildee was considered as in Committee of the Whole.

Mr. NYE. Mr. President, an error has occurred in the printing of this bill, on page 1, line 9. I move to strike out the numerals "1901" and to insert in lieu thereof the numerals "1902."

The PRESIDING OFFICER. The amendment will be stated.

The CHIEF CLERK. On page 1, line 9, strike out "1901" and insert "1902," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patent for the east half of the southwest quarter, and the west half of the southeast quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, to Nellie Kildee, who settled and established residence thereon in 1902, when unsurveyed, upon which she put valuable improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, and whose entry was canceled by the Department of the Interior and motion for the exercise of supervisory authority denied.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### LYN LUNDQUIST

The bill (S. 1756) for the relief of Lyn Lundquist was considered as in Committee of the Whole, and was read as follows:

*Be it enacted, etc.,* That the Secretary of the Interior be, and he is hereby is, authorized and directed to issue patent for the west half of the northeast quarter and the east half of the northwest quarter of section 15, in township 44 north, and range 3 east, Boise meridian, in the State of Idaho, to Lyn Lundquist, who settled and established residence thereon in 1902, when unsurveyed, upon which he put \$3,000 worth of improvements and fully complied with the homestead law prior to its withdrawal in 1906 for forestry purposes, which claim was canceled March 26, 1914, and motion for the exercise of supervisory authority denied January 21, 1920.

Mr. JONES. Mr. President, I would like to have a brief explanation of the bill.

Mr. BORAH. Mr. President, the most I can say about the bill is that it has been here so long that the details have almost escaped me. It has passed the Senate three different times. It has never passed the House. It is a bill for the purpose of authorizing the Secretary of the Interior to issue patents to these people. The contention has been that they had not performed the work, but the committee on three different occasions found that they did.

Mr. JONES. I understand the committee found that they had complied with the homestead law?

Mr. BORAH. Yes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### REGISTRATION OF LOBBYISTS

The bill (S. 1095) to require registration of lobbyists, and for other purposes, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with amendments.

The first amendment was, in section 1, page 1, line 4, after the word "engage," to strike out "whether," and in the same line, after the word "pay," to strike out "or otherwise"; and on page 2, line 3, after the word "Senate," to strike out "or by any other means. Third. In this act the word 'person' shall include both male and female, and the singular shall include the plural," so as to make the section read:

That a lobbyist, within the meaning of this act, is one who shall engage, for pay, to attempt to influence legislation, or to prevent legislation, by the National Congress.

Second. Lobbying, as defined and understood in this act, shall consist of any effort to influence the action of Congress upon any matter coming before it, whether it be by distributing literature, appearing before committees of Congress, or interviewing or seeking to interview individual Members of either the House of Representatives or the Senate.

The amendment was agreed to.

Mr. BRUCE. Mr. President, I am in sympathy with the general object of this bill. I think it is a good thing to require persons who endeavor to influence legislation to register. We have in Maryland a registration statute which requires everyone who goes to Annapolis, in the attempt to influence legislation, as a matter of pecuniary employment, to register his name, address, and so on, in a book.

That statute has not proved, practically speaking, entirely effective; but it is such a statute, it seems to me, as any State should as a matter of sound policy enact. But when a bill of this sort is introduced it is very easy, it seems to me, for it to overstep the mark; that is to say, not properly to discriminate between persons who are bringing perfectly legitimate forms of persuasion to bear upon legislative action and persons whose relations to legislation are such that any influence they may

exert might very well be carefully watched. The bill does not draw any distinction between lobbyists for pay.

Mr. CARAWAY. That is only where lobbying is their sole occupation. That is what they are doing it for, not because they have an interest as citizens but because they are paid to do it. That is the only point.

Mr. BRUCE. That is right. I think that is a sound distinction, but I submit this case to the Senator: Here is some one who happens to be the secretary of an association which is interested in pushing something legislatively. He receives a salary. Is he also to register when it becomes his duty as such secretary to distribute some literature, for instance, in behalf of his association? It might be, of course, that that literature, so far from being opprobrious in any respect, might be of a character eminently to promote the public welfare. Indeed, it might well relate to the work of some philanthropic or eleemosynary body? It seems to me that the language "a lobbyist within the meaning of this act is one who shall engage for pay" —

Mr. CARAWAY. That is it. If he is not hired for that purpose, then he does not fall within the provisions of the bill. But if some one hires him to come here and he accepts money to influence legislation, then it is his duty to register so we may know who hired him.

Mr. BRUCE. That is true, but suppose the person who comes here is acting as secretary of an association and as a part return for his salary as such secretary, we will say, is charged with the duty of promoting some measure pending in Congress by the distribution of literature.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired. Does the Senator from Maryland object? We are under the five-minute rule.

Mr. BRUCE. I am sorry. It is a bill of the utmost importance. I am thoroughly in sympathy with it. What I was going to suggest was that it might well read "special pay."

Mr. CARAWAY. Mr. President, I will take the floor in my own behalf and I yield to the Senator from Maryland.

Mr. BRUCE. It seems to me the words "special pay" might answer the purpose, though that is not very apt language, I confess. Language ought to be employed that would discriminate between somebody who is paid especially for the purpose of coming down here and looking after legislation pending in Congress, and the secretary of some charitable association, for instance, who comes merely as an incident of his general duties.

Mr. CARAWAY. There is no question that he would have to accept employment for the purpose.

Mr. BRUCE. I do not think that the absence of such a distinction is quite proper, though I may be wrong.

Mr. ROBINSON of Arkansas. Mr. President, will my colleague yield?

Mr. CARAWAY. Certainly.

Mr. ROBINSON of Arkansas. I think it is a very grave question whether the amendment ought to be adopted without at least some further modification.

To illustrate what I mean, the bill would then apply only to persons who are directly employed to come here to influence legislation. The vast majority of lobbyists would be relieved from any responsibility to register under the provisions of the bill if the amendment now under consideration should be agreed to. Hundreds of men come here who are the paid representatives of corporations and of individuals interested in legislation. They are not specially employed for the purpose of lobbying against legislation, but while in the employ of the corporation or of the individual interested they are permitted or directed to come to Washington to oppose or to favor legislation. I doubt whether there are very many instances where lobbyists are specially employed to oppose or to favor certain measures. I think the bill as originally prepared by the junior Senator from Arkansas [Mr. CARAWAY] is far preferable to the bill as it will be after this amendment shall have been agreed to.

Mr. BRUCE. That was just the point I was endeavoring to make. As the bill originally read, before this amendment was suggested by the committee, it read "whether for pay or otherwise."

Mr. CARAWAY. The committee has recommended the words "or otherwise" be stricken out.

Mr. BRUCE. The words "or otherwise," it seems to me, certainly ought to be stricken out.

Mr. CARAWAY. I hope there will be no objection to the amendment as it is reported by the committee. I think it will meet the very purpose with which the Senator is in sympathy. The other amendment the Senator suggested to use the other day I should be happy to accept; that is, page 3, at the beginning of line 21, to strike out the word "and" and to insert the word "or."

Mr. BRUCE. And then to add, after the words "12 months," at the end of line 22, the words "or be both fined and imprisoned as aforesaid, in the discretion of the court."

Mr. CARAWAY. I would have no objection to that amendment.

Mr. BRUCE. I think the measure ought to be framed in that way so as to leave it in the discretion of the court either to impose a fine or imprisonment, or both.

Mr. WALSH of Massachusetts. Mr. President, will the Senator from Maryland yield to me?

Mr. BRUCE. Certainly.

The PRESIDING OFFICER. The Senator from Arkansas [Mr. CARAWAY] has the floor.

Mr. CARAWAY. I yield to the Senator from Massachusetts.

Mr. WALSH of Massachusetts. I wish to suggest to the Senator from Maryland [Mr. BRUCE] that no effective lobby act can be expected unless provision is made to include under the provisions of the act all who receive yearly salaries and who appear in favor of or against legislation. In some of the States of the Union where lobby acts have been passed providing for registration of those only who receive special fees for appearing in favor of or against legislation the result has been that many lobbyists who received annual retainers and therefore did not have to make any report escaped the purposes of the act. It seems to me such acts should include all who either for yearly salaries or for special retainers appear in favor of or against legislation. I do not see how we can secure an effective act otherwise.

Mr. BRUCE. That may be; but in that event certainly a tremendously large registration book would be required. It would be like the Domesday Book. For instance, take the recent hearing on the electric light and power industry, where there were gathered at one time in the committee room 60 or 75 official representatives of the various electric light and power companies. They occupied pretty nearly all of the chairs in the room. Every one of them was probably in receipt of a salary from some electric light or power company. Is every one of them to register his name and address and then from month to month the amount of compensation that he received for his services here as a legislative agent?

Mr. CARAWAY. I think he would. I think that would come within the provisions of the proposed act.

Mr. WALSH of Massachusetts. I will say to the Senator from Maryland [Mr. BRUCE] that the Massachusetts law, after which this is modeled, has worked extremely well. The result has been to provide a very helpful agency in letting the public know who appeared for hire in favor and against legislation.

Mr. BRUCE. So far as I am concerned, I will say to the Senator from Massachusetts —

The PRESIDING OFFICER. The time of the Senator from Arkansas [Mr. CARAWAY] has expired.

Mr. BRUCE. I merely want to offer one amendment, Mr. President.

Mr. GEORGE obtained the floor.

Mr. BRUCE. Mr. President —

Mr. GEORGE. I yield to the Senator from Maryland.

Mr. BRUCE. On page 3, line 21, I move to strike out the word "and" and to substitute the word "or"; and after the words "12 months," at the end of line 22, I move to add the words "or be both fined and imprisoned as aforesaid in the discretion of the court."

Mr. CARAWAY. I should have no objection to that amendment. I do not want to make it mandatory that the court shall imprison a defendant, but that he may fine or imprison in his discretion.

Mr. BRUCE. That is correct. I think the court should have the discretion to do either or both.

The PRESIDING OFFICER. The first amendment proposed by the Senator from Maryland [Mr. BRUCE] will be stated.

The CHIEF CLERK. The first amendment is on page 3, line 21, to strike out the word "and" and to insert the word "or."

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Maryland.

The amendment was agreed to.

The PRESIDING OFFICER. The next amendment proposed by the Senator from Maryland will be stated.

The CHIEF CLERK. On page 3, at the end of line 22, it is proposed to insert the words "or be both fined and imprisoned as aforesaid in the discretion of the court."

The PRESIDING OFFICER. The question is on the amendment proposed by the Senator from Maryland.

Mr. GEORGE. Mr. President —

The PRESIDING OFFICER. Does the Senator from Georgia desire to address himself to the amendment of the Senator from Maryland which has just been stated?

Mr. GEORGE. Mr. President, I wish to address a question to the Senator from Arkansas, because I have not had time to study the bill. Does the bill define as a lobbyist one who appears for himself because of his interest in legislation?

Mr. CARAWAY. No, sir; it would not abridge the right of petition. The first section says:

That a lobbyist within the meaning of this act is one who shall engage for pay—

It is the man who hires himself out to influence legislation, either to promote or defeat legislation, which the bill is aimed to reach. It does not undertake to curtail the right of petition, the right of people who feel interested in legislation to come here and make all the representations they want to make. They could do that without falling within the provisions of the bill.

Mr. GEORGE. The citizen himself who is affected by legislation and who appears in behalf of such legislation or in opposition to such legislation is not within the bill?

Mr. CARAWAY. Absolutely not.

Mr. GEORGE. Is the definition of lobbyist broad enough to include the representatives of newspapers?

Mr. CARAWAY. It would not, because their purpose and business is not that of lobbying. The bill affects those who come here for hire. The newspapers may make any representations and take any position they may wish and wage any kind of crusade they desire for or against legislation. The bill will not abridge the freedom of the press nor the freedom of speech nor the right of petition, and it is not intended to do so.

Mr. GEORGE. It would not include a case where a newspaper or publication received special compensation to champion or to oppose legislation?

Mr. CARAWAY. I think if a newspaper should hire itself out for that purpose it would be included under the bill.

Mr. GEORGE. It would cover such a case?

Mr. CARAWAY. Yes.

Mr. McKELLAR. As I understand, the bill applies only to those who lobby for pay.

Mr. CARAWAY. That is all that is provided for.

Mr. SMOOT. Mr. President, may I ask the Senator a question?

Mr. CARAWAY. The Senator from Georgia has the floor.

Mr. GEORGE. I merely wished to say in that connection that America's most distinguished humorist, Will Rogers, in the morning press seems to have placed himself in the class of lobbyist, as I think. He declares for the Madden bill, or the American Cyanamid Co.'s offer for Muscle Shoals. Notwithstanding the fact that he is a humorist, his statement is evidently influenced by the hope that he will receive "pay," since his statement deals neither with facts nor is confined to the truth.

Mr. SMOOT. Mr. President, I wish to ask the Senator if the bill as amended would require a person to register who may be appointed by a chamber of commerce for the purpose of coming to Washington in regard to a certain piece of legislation and who received no compensation other than his railroad expenses?

Mr. CARAWAY. The bill would not do that. Citizens could get together and pay the expense of a thousand people if they so desired to come here and make representations as to their rights or interest, and they would not fall within the provisions of the bill.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland.

Mr. BLEASE. Mr. President, I have no objection to the passage of this bill, but I think a great deal more has been said about the lobby question than is justified by the facts. It may be possible that I have not sufficient influence in the Senate or even sufficient control of my own vote to have any so-called lobbyists approach me, but in my three years of service in the Senate up to this time there has not been a single man or woman as the representative of any corporate interest or any private interest who as a lobbyist has called on me or has attempted to control my vote in respect to any measure which has been before the Senate. I think the recent articles published in newspapers in reference to a great lobby being active in Washington in opposition to the resolution of the Senator from Montana [Mr. WALSH] are an insult to and an outrage upon every Member of this body. I saw no signs here of any great lobby; I saw no signs of any Senator being unduly influenced, and yet we have read slurs in some of the newspapers, even going so far as to give the names of individual Senators, and attempting to belittle the Senate as a body before the American people.

In my opinion, a bill or a resolution bringing before the bar of the Senate those who do that kind of writing and who spread that kind of talk and requiring them to show what Senator has

been unduly influenced by some lobbyist or what Senator has changed his vote or his position on measures because of some reward or the hope of some reward, political or otherwise, would do more good and have a better effect in placing the Senate, individually and collectively, in a proper light before the American people, than a bill along the lines of the one now pending.

As I have said, I do not object to the bill, but I merely wanted to put myself on record as condemning, so far as I am concerned, this outrageous talk and writing that is continually going on about Senators being unduly influenced by somebody on the outside.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The question is on the amendment offered by the Senator from Maryland.

Mr. KING. Mr. President, under the definition of a lobbyist it occurs to me that persons who speak to Senators when they are home or who write to them from their homes regarding legislation prospective or pending in Congress, if they are paid, would come under the denunciation of the proposed statute.

Mr. CARAWAY. Of course, if they hire out to influence legislation they would come within the provisions of the bill.

Mr. WALSH of Massachusetts. Why should they not? Why should we not know who they are?

Mr. KING. Mr. President, I wish to ask the Senator a further question. Take a case of this character. I recall when I was home last summer that persons who are interested in a grazing act in a section of the State employed one of their neighbors to come to Salt Lake City and confer with me and, I am inclined to think, to confer also with the senior Senator from Utah [Mr. SMOOT], as to certain legislation in regard to the public domain. Undoubtedly that person was paid for his services or for the journey, some 300 or 400 miles. He did not come to Washington; he did not contemplate doing so; but he wanted to get the views of Senators, or at least one Senator, as to the possibility of such legislation. Would he be amenable to the provisions of this proposed act?

Mr. CARAWAY. There might be a line of demarcation there about which I could not tell. Of course, the act speaks for itself. It has in contemplation only those who come to Washington to undertake to influence legislation. Under a hypothetical case, I do not know. I have a very strong opinion about it, but I do not want to make an expression of opinion.

Mr. KING. What would the Senator say regarding this matter: I have received probably a thousand pieces of literature from various parts of the Southern States in regard to flood control. Much of it undoubtedly has been paid for by individuals. Some of the literature has come from representatives of organizations, and those representatives undoubtedly were paid. Would such a person have to register, although he does not come here?

Mr. CARAWAY. Of course he is not going to register if he does not come here, because he could not register down there. There are any number of cases where there might be technical violations, as there are of every law on the statute books, that nobody ever expects to come within the provisions of the law, and nobody expects ever to try to enforce the law against them. It is the purpose of the measure to require publicity. That is the idea of the bill. For instance, we receive telephone messages—

Mr. KING. I want to ask one or two other questions, and my time is limited.

Mr. CARAWAY. I beg the Senator's pardon.

Mr. KING. I just want to get the Senator's view. Take another case: I have had perhaps 10 or 15 telegrams and letters from various game organizations and from wardens, some in favor of and some protesting against a certain bill which is pending in the Senate. Undoubtedly those wardens were paid. Undoubtedly some of the secretaries of the organizations for the protection of game, wild birds, and so forth, are paid. Would they come within the provisions of the statute?

Mr. CARAWAY. I do not think so; but—

Mr. KING. I confess that I am not able to determine the implications and the far-reaching effects of this measure.

Mr. BRUCE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield; and if so, to whom?

Mr. KING. I am trying to get the view of my friend from Arkansas, because I respect his view very much.

Mr. CARAWAY. I am trying to give it to the Senator.

My view of the matter is that, like any other law, this law will have to be enforced with common sense. I have not the remotest idea that any court would say that it would curtail the right of petition, representation, and direct appeal to Members of Congress. It only applies to that class of people who make a profession of influencing or who have for the time being the occupation for hire of influencing legislation.

Mr. KING. May I say to the Senator that I received this morning a letter from a gentleman who represents, I know, a number of persons who are interested in a certain bill, the Army retirement bill. He has, I am advised, been traveling around, receiving pay, and he has written me asking me to support the bill. Would he come within the terms of this bill?

Mr. CARAWAY. If he were to come here lobbying for the bill he would.

Mr. KING. He does not come here. He writes me.

Mr. CARAWAY. I do not think his writing the Senator a letter from out in Utah would be construed by any court on earth as bringing him within the provisions of the bill. That is my judgment about the matter.

Mr. KING. It seems to me that he would be within its provisions. It seems to me the bill would apply to any person who interviews or seeks to interview a Senator, whether he is here or whether he is at home or on a railroad train.

Mr. BRUCE. Or, if the Senator will allow me to interrupt him, who distributes literature.

Mr. KING. Or who distributes literature. I think such a person would come within the provisions of the bill. It is very dangerous, it seems to me. I think it would prevent chambers of commerce or others from distributing literature unless they registered. They would have to come here and register. The bill is very far-reaching in its effects.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. BRUCE. Mr. President, this bill is a matter of very great importance; and, of course, it would not be going through as rapidly as it is but for the fear on the part of Members of the Senate of being exposed to misconception and misconstruction and told that they passed this bill because they were afraid not to pass it. We are all in sympathy with the general purposes of the bill, apparently. Why should we not, however, perfect its provisions so as not to do needless injustice to anybody?

Mr. BORAH. Mr. President, this bill has had pretty thorough consideration in the committee. I do not think Senators are hesitating to oppose it simply for fear they might be thought to be siding with the lobbyists. It may be possible that the bill needs some further consideration, but my judgment is that the bill is effective for the purpose for which the author introduced it. If there is any criticism of the bill it is because already it has been liberalized, if I may say so, rather than made drastic. I think the bill ought to pass.

Mr. BRUCE. Mr. President, let me ask the Senator from Idaho if he feels satisfied that this bill discriminates clearly between legitimate propaganda and lobbying?

For instance, take our friends of the Anti-Saloon League. They had a paid agent here, Mr. Wheeler, and so did the Association Against the Prohibition Amendment, perhaps. Mr. Wheeler was paid by the year. He was paid to carry on perpetual lobbying, you may say, at the Capitol; and so there are charitable organizations, organizations in the United States, which have secretaries who are constantly mailing literature of every sort—most valuable literature, most useful literature—to Members of Congress. What I should like to know is, would it be possible for the counsel or the secretary of the Anti-Saloon League, or the counsel or the secretary of the Association Against the Prohibition Amendment, or the secretary of the League of Women Voters, or the secretary of any public-spirited association to send me as a Senator literature without incurring the penalties of this bill in case there had not been registration?

My cry is the cry of Goethe on his death bed, "Light! More light!" When any question is pending in this body, the first thing I do is to turn to every scrap of written material, pro or con, relating to the question; and I presume that this is the course pursued by every other Member of the Senate.

I do not want to be cut off from sources of light because it is believed that close by sources of light there are sources of darkness. This bill says that a lobbyist within the meaning of the bill is one who shall engage in certain activities for pay—for what sort of pay? For pay pro hac vice for the particular legislative purpose in hand, or pay as a secretary by the year for carrying on the general duties of secretary of an association?

There certainly is a valid distinction there that should be observed. We do not want unduly to restrict the right of disinterested individual men and women to come here and to enlighten us with regard to public questions.

Mr. CARAWAY. Nobody could put that construction on it.

Mr. BRUCE. I hope not. As I say, I am absolutely friendly to this bill if it is properly safeguarded.

Of course, I think that there is no little claptrap talked about lobbying. The other day the representatives of the electric light and power interests who gathered in the committee room of the Interstate Commerce Committee were all stigmatized as lobbyists. They had just as much right to be in that room as the members of the Interstate Commerce Committee themselves. They were American citizens, corporate officers, owners of property, charged with responsibilities only less great than the public responsibilities with which we are charged. Why did not they have as much right to their seats in that committee room as we have to our seats in this Chamber? If, however, one of them was prepared for a special compensation to ply a Member of this body with corrupt solicitations or influences of any sort, or even ordinary argumentative persuasion, he should be made to register, and, of course, should be punished if he violated the terms of his registration.

The PRESIDING OFFICER. The time of the Senator from Maryland has expired.

Mr. BRUCE. I do ask the Senate, by unanimous consent, to allow this discussion to continue, without reference to myself, in order that the bill may be perfected.

Mr. CURTIS. Mr. President, unanimous consent was given to consider unobjected bills. The Senator realizes that if the bill is to be discussed at length we have morning hours when bills can be so discussed. If this bill is to take the two hours, I hope somebody will object to it so that we may go on with the calendar.

Mr. BRUCE. But I do not think we will find—

Mr. COUZENS. I object, then, if that is all there is to it.

The PRESIDING OFFICER. Objection is heard. The bill will be passed over.

Mr. BRUCE. Mr. President, I will say nothing more about the bill. Let us put it through. Let us pass it right now. I will take my chances on it.

Mr. CARAWAY. I hope the Senator from Michigan will withdraw his objection in view of that statement.

Mr. COUZENS. I do not object if we are going to proceed according to the unanimous-consent understanding, but if we are going to debate the bill all afternoon I will object.

The PRESIDING OFFICER. Does the Senator from Michigan withdraw his objection?

Mr. COUZENS. I withdraw my objection.

The PRESIDING OFFICER. The question is on the amendment offered by the Senator from Maryland, which will be stated.

The CHIEF CLERK. On page 3, at the end of line 22, it is proposed to insert "or be both fined and imprisoned as aforesaid, in the discretion of the court."

The amendment was agreed to.

The next amendment of the Committee on the Judiciary was, in section 2, page 2, line 18, after the word "incident," to strike out "to the carrying on of his calling as a lobbyist" and to insert "to his employment. The Clerk of the House of Representatives and the Secretary of the Senate shall within six days after any lobbyist shall have registered under the provisions of this act file with their respective bodies and have printed in the CONGRESSIONAL RECORD the information required by this act to be registered. And each month the Clerk of the House of Representatives and the Secretary of the Senate shall likewise file with their respective bodies and have printed in the CONGRESSIONAL RECORD a copy of the financial report required by section 3 hereof," so as to make the section read:

SEC. 2. Any person, before he shall enter into and engage in lobbying as defined in this act, shall register with the Clerk of the House of Representatives, and the Secretary of the Senate, and shall give to these officers his name, address, the person, association, or corporation by whom or by which he is employed, and in whose interest he appears as a lobbyist. He shall also disclose the interest he himself may have, or those whom he represents, in the proposed legislation, or for the defeat of legislation. He shall likewise state how much he has been paid, and is to receive, and by whom he is paid, or is to be paid, and how much he shall be allowed for expenses incident to his employment. The Clerk of the House of Representatives and the Secretary of the Senate shall within six days after any lobbyist shall have registered under the provisions of this act file with their respective bodies and have printed in the CONGRESSIONAL RECORD the information required by this act to be registered. And each month the Clerk of the House of Representatives and the Secretary of the Senate shall likewise file with their respective bodies and have printed in the CONGRESSIONAL RECORD a copy of the financial report required by section 3 hereof.

The amendment was agreed to.

The next amendment was, in section 4, page 3, line 14, after the word "oath," to insert "and he shall at the time he reg-

isters file a written authorization of his employment by the person by whom he is employed," so as to make sections 3, 4, 5, 6, and 7 read:

SEC. 3. At the end of each month he shall file with the Secretary of the Senate and the Clerk of the House of Representatives a report of moneys by him expended in carrying on his work as a lobbyist, to whom paid, and for what purpose, and give the names and date of any person or persons whom he has entertained as such lobbyist, and what the expense of this entertainment was.

SEC. 4. Reports required to be made shall be under oath, and he shall at the time he registers file a written authorization of his employment by the person by whom he is employed.

SEC. 5. Any person who may engage in lobbying without first complying with the provisions of this act shall be guilty of a misdemeanor, and upon conviction shall be fined not less than \$100 and not more than \$1,000 and be imprisoned in a common jail for not less than 1 month nor more than 12 months.

SEC. 6. Any lobbyist who shall make a false affidavit, where an affidavit is required in the provisions of this act, shall be deemed guilty of perjury, and upon conviction shall be punished as provided by statute for such an offense.

SEC. 7. A new registration shall be necessary for each session of Congress.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### WAR-TIME RANK FOR RETIRED ARMY OFFICERS

The bill (S. 2258) to give war-time rank to certain officers on the retired list of the Army was announced as next in order.

Mr. KING. Let that go over.

Mr. TYSON. Mr. President, will the Senator from Utah withhold his objection in order that I may explain the purpose of the bill?

Mr. KING. I withhold the objection.

Mr. TYSON. Mr. President, this is a bill that passed the Senate in practically the same form last year, and went to the House. It is for the purpose of permitting the President of the United States to nominate, and by and with the advice and consent of the Senate to appoint, any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, to a rank on the retired list at the highest rank held by him during the World War, provided that no increase of pay and allowances shall result from the provisions of this act.

Mr. President, there are a great many officers of the Army who are at this time very far advanced in age. Many of them had a higher rank during the war than they have in the Regular Army at this time; and they feel that they ought to be allowed to have the rank which they held during the World War. I hope the Senator from Utah will withdraw his objection, and that the Senate will pass the bill. The officers of the Army are very anxious to have the rank which they held during the World War in order that their posterity may feel that they were entitled to that rank, and were not demoted, as many of them were, as the Senate well knows, after they came back from the World War.

The bill does not apply to any particular rank, but applies to officers of all ranks of the Army who were in the World War and who held a higher rank during the World War, and it is within the discretion of the President. He is not required to nominate any of these men unless he desires to do so.

It seems to me, Mr. President, that the bill is a very worthy one, and one that the Senate ought to pass.

Mr. KING. Mr. President, if these officers are on the retired list, and receive this promotion and this higher rank, would it advance them to the same emoluments as persons in that class?

Mr. TYSON. Not at all. Not a single penny of pay would they get in any way for this increased rank due to retirement.

Mr. KING. I withdraw the objection.

The PRESIDING OFFICER. The objection is withdrawn.

Mr. REED of Pennsylvania. Mr. President, I hope the bill will pass, as it passed last year, but I want to suggest a grammatical change to the Senator—that in line 9, on page 1, he strike out the words "may be" and put in "shall have been," because, of course, it is the intention of the bill that this brevet rank shall not be given until the officer retires.

Mr. TYSON. I shall be glad to accept the amendment.

The Senate, as in Committee of the Whole, proceeded to consider the bill, which had been reported from the Committee on Military Affairs, with amendments, on page 1, line 6, after the

word "Army," to strike out "not above the grade of brigadier general"; on the same page, line 10, after the word "to," to strike out "an advanced grade" and insert "a rank"; and on page 2, line 1, before the word "held," to strike out "grade" and to insert "rank," so as to make the bill read:

*Be it enacted, etc.,* That the President of the United States be, and he is hereby, authorized to nominate and, by and with the advice and consent of the Senate, to appoint any commissioned officer of the Army who served in the Army of the United States during the World War, whose service during that war was creditable, and who has been or hereafter may be retired according to law, to a rank on the retired list, at the highest rank held by him during the World War: *Provided,* That no increase of pay and allowances shall result from the provisions of this act.

The amendments were agreed to.

The PRESIDING OFFICER. The Senator from Pennsylvania offers an amendment, which will be stated.

The CHIEF CLERK. On page 1, line 9, after the word "hereafter," it is proposed to strike out "may be" and insert "shall have been," so as to read:

Whose service during that war was creditable, and who has been or hereafter shall have been retired according to law.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### DOUBLE PENSIONS IN SUBMARINE CASUALTIES

Mr. TYDINGS. Mr. President, I ask unanimous consent that we recur to Senate bill 2998, granting double pension in all cases where an officer or enlisted man of the Navy or Marine Corps dies or is disabled as a result of a submarine accident. The Senator from Wisconsin, who objected this morning, has withdrawn his objection. I ask that the bill now be considered.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Maryland?

Mr. CURTIS. If it is not going to lead to debate, I shall not object. I shall feel obliged to object if it leads to debate.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

*Be it enacted, etc.,* That in all cases where an officer or enlisted man of the Navy or Marine Corps, while employed in actual duty on a submarine, dies or is disabled by an injury incurred in line of duty by reason of the increased hazard of the service, the amount of pension allowed shall be double of that authorized to be paid should death or disability have occurred by reason of an injury received in line of duty not the result of a submarine accident.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 1940) to divest goods, wares, and merchandise manufactured, produced, or mined by convicts or prisoners of their interstate character in certain cases was announced as next in order.

SEVERAL SENATORS. Over.

The PRESIDING OFFICER. The bill will be passed over.

#### COLUMBIA BASIN RECLAMATION PROJECT

The bill (S. 1462) for the adoption of the Columbia Basin reclamation project, and for other purposes, was announced as next in order.

Mr. KING. Let that go over.

Mr. JONES. Mr. President, I know that the objection takes the bill over, but there is an amendment offered by the Senator from Idaho [Mr. BORAH] which meets the objection of the two Senators from that State, and I would like to have the amendment agreed to, and then the bill, of course, will go over.

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. The Senator from Idaho proposes the following amendment: At the proper place insert a proviso to read as follows:

*Provided,* That no appropriation for construction under the gravity plan shall be made until a compact shall have been entered into between the States, either to determine the allocation of waters and definite storage elevation and areas or to determine the basic principles that for all times shall govern these matters: *And provided further,* That the passage of this act shall not in any respect whatever prejudice, affect, or militate against the rights of the State of Idaho, or the residents or the people thereof, touching any matter or thing or property

or property interests relative to the construction of the Columbia Basin project.

Mr. KING. Mr. President, if it is understood that as a result of my consenting that this amendment shall be added to the bill it does not advance it to a better stage or my consent is not regarded as a waiver of objection to its consideration I shall not object.

The PRESIDING OFFICER. The Senator can object to the bill at any stage. The question is on agreeing to the amendment. The amendment was agreed to.

Mr. KING. I object to the consideration of the bill.

The PRESIDING OFFICER. The bill will go over, under objection.

JOSEPH F. RITCHERDSON

The bill (H. R. 519) for the relief of Joseph F. Ritcherdsen was announced as next in order.

Mr. KING. Let that go over.

Mr. CURTIS. Mr. President, this soldier, Joseph F. Ritcherdsen, would get no money benefit from this measure, because he already draws a pension. The object simply is to give him recognition by giving him a discharge. There is no question but that he served for two years in the Army. He already draws a pension under private act. The bill was reported favorably by the Committee on Military Affairs, and I hope there will be no objection.

Mr. KING. I would like to ask the Senator if the soldier was dishonorably discharged?

Mr. CURTIS. He had no discharge whatever; that is the trouble. The soldier enlisted as a musician and instead of serving as a musician he served as a private in the Army. He was a boy about 14 years old, who substituted for a musician, and served for two years in the Southland, going wherever the organization went. He draws a pension now for that service, but he does want a discharge, and I think he is entitled to it. He is 80 years of age now.

Mr. KING. This would not increase the pension?

Mr. CURTIS. It would not increase his pension at all.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SURETY BONDS OF POSTAL EMPLOYEES

Mr. PHIPPS. Mr. President, this morning when Calendar No. 317, House bill 7030, was reached I allowed it to go over because I did not have at hand the report of the department on the bill. I ask unanimous consent to return to the consideration of the bill.

Mr. CURTIS. If no debate results, I have no objection.

Mr. KING. Let the Senator explain the bill. I have no objection to its consideration.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 7030) to amend section 5 of the act of March 2, 1895.

Mr. PHIPPS. The department advises as follows:

Renewing bonds every four years means extra expense to the employees and more work for the department in recording the filing of the bonds. The proposed amendment, which is made in the interest of economy, reads as follows:

"Provided, That the payment and acceptance of the annual premium on corporate surety bonds furnished by postal officers and employees shall be a compliance with the requirement for the renewal of such bonds within the meaning of this act."

This is a matter, Mr. President, which might really have been passed upon by the department itself, but they did not feel that they had the authority. It does not make any change in the status of the bond whatever, but at the expiration of the four years the Government employee in the Postal Service having paid his annual premium, the bond continues on, the surety having already been approved by the postal authorities.

Mr. KING. Mr. President, a few weeks ago I received a number of letters from a surety company objecting to a bill; I do not know whether it is this bill or not, and I am inclined to think it is not. I have no objection to the passage of the bill, with the understanding that if, upon examining the files in my office, I discover that the objections were to this bill, the Senator will consent on Monday to a reconsideration of the vote by which the bill was passed, and that it be placed back on the calendar.

Mr. PHIPPS. I think that is a perfectly fair proposition. I think the Senator will find that the objections relate to a different matter entirely.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF HAWAIIAN HOMES COMMISSION ACT

Mr. WILLIS. Mr. President, a few moments ago, under the objection by the Senator from Montana [Mr. WHEELER], we passed over Calendar 326, House bill 6989, to amend the Hawaiian Homes Commission act, 1920, approved July 9, 1921, as amended by act of February 3, 1923. I have since conferred with the Senator, and he advises me that he has no objection now to the consideration of the bill. I therefore ask unanimous consent to return to the consideration of the bill.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIS. It is the Hawaiian homes act, which the Senator from Arizona [Mr. HAYDEN] explained.

Mr. LA FOLLETTE. I desire to ask the Senator to explain the bill.

The PRESIDING OFFICER. Is there objection to returning to the consideration of the bill?

Mr. LA FOLLETTE. Not if the Senator from Kansas will permit the Senator from Ohio to make an explanation of it.

Mr. CURTIS. If the explanation will last only about two minutes, I shall not object. I insist on going through this calendar this afternoon.

Mr. WILLIS. I think the Senator from Kansas is right, and I shall take only one minute.

The purpose of this Hawaiian homes act is to enable the native Hawaiian people to get back upon the land. That is the gist of it. A resolution was passed through the Hawaiian Legislature along this line.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DIVISION OF SAFETY, DEPARTMENT OF LABOR

The bill (S. 1266) to create in the Bureau of Labor Statistics of the Department of Labor a division of safety, was announced as next in order.

Mr. BAYARD. Let that go over.

Mr. SHORTRIDGE. Mr. President, I hope the Senator will permit this bill to pass. It was introduced at the instance of the Secretary of Labor, and was quite fully considered by the Committee on Education and Labor. It has been reported by the committee without amendment, it has been twice considered by the committee, and twice reported favorably. It is companion to a bill pending in the House. I must assume that Senators by this time are more or less acquainted with the scope and purpose of the bill.

Mr. BAYARD. I know the purpose of the bill, I may say to the Senator, and that is the reason why I object to it.

Mr. SHORTRIDGE. I hope the Senator will permit me to add this. I hold in my hand a letter addressed to me by Mr. Stewart, the Commissioner of Labor Statistics, accompanied by a letter addressed to him by the bureau of labor and statistics of the State of Arkansas.

I do not wish to take up the time of the Senate if it will be unavailing, but I am now taking up this time, addressing myself immediately to the Senator from Delaware, to the end that he will between now and the next call of the calendar make a further examination, and a more effectual one, to the end that the bill may come up for full consideration by the Senate. I understand the Senator's position, but I hope to persuade him that it is a meritorious measure.

Mr. BAYARD. I am fully aware of the subject matter of the bill, and I am thoroughly opposed to it in principle. More than that, I contend, knowing the facts as I do know them, that there is no valid reason why this legislation should be passed. This is taken care of in nearly all the States, and there is no necessity for having it taken care of by a Federal bureau.

Mr. SHORTRIDGE. I suppose I must conclude that any appeal of mine would be unavailing.

Mr. BAYARD. We have the necessary machinery now in our State, and the other States have, and they can compare their notes back and forth. It is wholly unnecessary for the Federal Government to stick its nose into this matter.

Mr. SHORTRIDGE. I think I understand the position of the Senator from Delaware, and he need not repeat it.

The PRESIDING OFFICER. Under objection, the bill will be passed over.

## POULTRY DISEASES

The bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, was announced as next in order.

Mr. KING. I would like to have an explanation of the bill.

Mr. COPELAND. Mr. President, the poultry industry is the fourth largest industry in America. The poultry industry amounts to a billion dollars a year, and I am sorry to say that certain diseases are decimating the flocks of poultry in this country, particularly in the Mississippi Valley. The purpose of this measure is to give sustaining legislation to permit the agricultural appropriation subcommittee, when it gets to it, to consider on its merits the justification for the expenditure of sums for meeting experimentation and for the study of these diseases, in order that they may be wiped out.

Mr. REED of Pennsylvania. Mr. President, will the Senator submit to a question?

Mr. COPELAND. Of course.

Mr. REED of Pennsylvania. I notice by the report that the department says it already has all the authority that this act gives.

Mr. COPELAND. The committee gave consideration to that, may I say to the Senator from Pennsylvania, and since then the committee itself decided that there was not ample authority, and that they need this sustaining legislation.

Mr. SMITH. Mr. President, I would like to state in behalf of this measure that there is not a matter of more urgent importance. There are certain features of it that it might not be well to discuss on the floor of the Senate, but the measure is very important and very essential to the preservation of the poultry industry in this country. I think the bill as reported from the committee, after having been thoroughly investigated, is one which well deserves passage at the hands of this body.

Mr. REED of Pennsylvania. Mr. President, I am strongly in favor of giving the department this authority and I believe that it ought to be done, and I believe the bill ought to pass, but surely the Senator will permit me to suggest that section 2 and section 4 are not in the form in which authorizations ought to be passed by Congress. If they are intended to be appropriations, then the bill ought to go to the Committee on Appropriations.

Mr. COPELAND. We must have the sustaining legislation, and I am perfectly willing that the question of appropriations be entirely omitted now and that the appropriations be merely authorized at this time.

Mr. REED of Pennsylvania. That is what I mean, that they ought to be expressed as authorizations instead of a direction to the Secretary of the Treasury to pay.

Mr. SMITH. I think perhaps, if the Senator from New York will allow me, if the bill were amended so as to make it an authorization rather than a direction, it would fulfill all that is necessary.

Mr. REED of Pennsylvania. That is exactly the point.

Mr. KING. Mr. President, I am unwilling to consent to an appropriation now of \$30,000. That amount may not be necessary. The Agricultural appropriation bill, which will be before us within a few days, carries an enormous appropriation. I have no doubt some fund is provided in the bill which would be available for just such experimentation as is called for here.

Mr. SMITH. Mr. President, I think the Senator is in error, because of the particular features to which this bill pertains.

Mr. KING. I withhold the objection for a moment.

Mr. COPELAND. I want the Senator from Pennsylvania to suggest the language, because the only thought is to authorize this matter, so that it can be dealt with.

Mr. REED of Pennsylvania. Mr. President, in order to bring it to the attention of the Senate, I move to strike out section 2 and to substitute instead the following words:

That to carry out the provisions of section 1 of this act the sum of \$30,000 is hereby authorized to be appropriated.

Mr. COPELAND. I am glad to accept that amendment.

Mr. KING. Mr. President, why does the Senator from Pennsylvania suggest so large a sum?

Mr. REED of Pennsylvania. Because that is the sum carried by the bill itself. I do not know anything about the amount that is needed. I take it from the bill as it is written.

Mr. JONES. Mr. President, I am going to object to the consideration of the bill at this time. There may be a provision in the agricultural appropriation bill which will cover this matter.

The PRESIDING OFFICER (Mr. Fess in the chair). Under objection, the bill will go over.

## PEARL RIVER BRIDGE, LEAKE COUNTY, MISS.

The bill (S. 3118) to authorize the construction of a temporary railroad bridge across Pearl River at a point in or near section 35, township 10 north, range 6 east, Leake County, Miss., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce, with an amendment, on page 1, line 6, after the word "point," to insert the words "suitable to the interests of navigation," so as to make the bill read:

*Be it enacted, etc.*, That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point suitable to the interests of navigation in or near section 35, township 10 north, range 6 east, Leake County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## OHIO RIVER BRIDGE, GOLCONDA, ILL.

The bill (H. R. 7183) authorizing C. J. Abbott, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Golconda, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 23, at the beginning of the section, to insert the words "Sec. 4."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## OHIO RIVER BRIDGE, MOUND CITY, ILL.

The bill (H. R. 66) authorizing B. L. Hendrix, G. C. Trammel, and C. S. Miller, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Mound City, Ill., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with an amendment, on page 2, line 19, to strike out the name "Trammel" and insert the name "Trammel."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

## MISSISSIPPI RIVER BRIDGE, LANSING, IOWA

The bill (H. R. 5803) authorizing the Interstate Bridge Co. of Lansing, Iowa, its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Lansing, Iowa, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MISSOURI RIVER BRIDGE, SOUTH DAKOTA AND NEBRASKA

The bill (S. 2827) granting the consent of Congress to the States of South Dakota and Nebraska, their successors and assigns, to construct, maintain, and operate a bridge across the Missouri River, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 1, line 4, after the word "Nebraska" to strike out the words "their successors and assigns"; on page 2, line 6, after the words "South Dakota" to strike out the words "their successors and assigns"; and on page 2, line 19, after the word "Nebraska" to strike out the words "their successors and assigns."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

The title was amended so as to read: "A bill granting the consent of Congress to the States of South Dakota and Nebraska to construct, maintain, and operate a bridge across the Missouri River at or near Niobrara, Nebraska."

## PEARL RIVER BRIDGE, MADISON AND RANKIN COUNTIES, MISS.

The bill (S. 3119) to authorize the construction of a temporary railroad bridge across Pearl River in Rankin County, Miss., and between Madison and Rankin Counties, Miss., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Pearl River Valley Lumber Co. is hereby authorized to construct a temporary railroad bridge connecting its timber holdings and its lands and timber across Pearl River at a point between or near sections 33 and 34, township 8 north, range 3 east, in Madison County, Miss., and sections 3 and 4, township 7 north, range 3 east, in Rankin County, Miss., and between Madison County and Rankin County, Miss., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ATCHAFALAYA BRIDGE, MORGAN CITY, LA.

The bill (H. R. 449) granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a toll bridge across the Atchafalaya River at or near Morgan City, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MISSISSIPPI RIVER BRIDGE, WABASHA, MINN.

The bill (H. R. 6476) authorizing the Wabasha Bridge Committee, Wabasha, Minn., to construct, maintain, and operate a bridge across the Mississippi River at or near Wabasha, Minn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## COLUMBIA RIVER BRIDGE, HOOD RIVER, OREG.

The bill (H. R. 7199) granting the consent of Congress to the Oregon-Washington Bridge Co. to maintain a bridge already constructed across the Columbia River near the city of Hood River, Oreg., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## SNAKE RIVER BRIDGE, HEYBURN, IDAHO

The bill (H. R. 7371) to legalize a bridge across the Snake River near Heyburn, Idaho, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the free highway bridge now being constructed by the State of Idaho across the Snake River near Heyburn, Idaho, if completed in accordance with plans accepted by the Chief of Engineers and the Secretary of War as providing suitable facilities for navigation, shall be a lawful structure, and shall be subject to the conditions and limitations of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, other than those requiring the approval of plans by the Chief of Engineers and the Secretary of War before the bridge is commenced.

SEC. 2. The right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## TENNESSEE RIVER BRIDGE, MARSHALL COUNTY, ALA.

The bill (H. R. 7375) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Guntersville on the Guntersville-Huntsville road in Marshall County, Ala., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation at or near Guntersville on the Guntersville-Huntsville road in Marshall County, in the State of Alabama, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906.

SEC. 2. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## ST. LOUIS RIVER BRIDGE, WISCONSIN AND MINNESOTA

The bill (H. R. 7909) to authorize the maintenance and renewal of a timber-frame trestle in place of a fixed span at the Wisconsin end of the steel bridge of the Duluth & Superior Bridge Co. over the St. Louis River between the States of Wis-

consin and Minnesota was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## TENNESSEE RIVER BRIDGE, MADISON AND MORGAN COUNTIES, ALA.

The bill (H. R. 7914) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Whitesburg Ferry, on the Huntsville-Laceys Spring road between Madison and Morgan Counties, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## TENNESSEE RIVER BRIDGE, JACKSON COUNTY, ALA.

The bill (H. R. 7915) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Tennessee River at or near Scottsboro, on the Scottsboro-Fort Payne road in Jackson County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## MONONGAHELA RIVER BRIDGE, PA.

The bill (H. R. 7925) granting the consent of Congress for the maintenance and operation of a bridge across the Monongahela River between the borough of Glassport and the city of Clairton, in the Commonwealth of Pennsylvania, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## CLAIMS ARISING FROM SINKING OF VESSEL "NORMAN"

The bill (S. 851) to amend an act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the act of Congress approved July 3, 1926, being Private Act No. 272, and entitled "An act conferring jurisdiction upon the Federal District Court for the Western Division of the Western District of Tennessee to hear and determine claims arising from the sinking of the vessel known as the *Norman*," be and the same is hereby, amended so as to make sections 1, 2, and 3 read as follows:

"SECTION 1. That jurisdiction is hereby conferred upon the Federal District Court for the Western District of Tennessee to hear and determine in actions at law all claims, however arising, irrespective of the amount, for damages, whether liquidated or unliquidated, for personal injury, death, or loss or damage to property against the United States of America growing out of the sinking of the vessel known as the *Norman* on the Mississippi River on or about May 8, 1925, near Memphis, Tenn. Suits for damages sounding in tort are expressly allowed to be brought hereunder against the United States of America and when filed shall be triable upon the same principles and measures of liability as in like suits at law between private individuals or corporations: *Provided*, That the United States shall not set up either lack of authority or want of negligence on the part of its officers and agents in charge of said boat at the time of said accident: *Provided further*, That recovery under this act shall be the sole right of recovery for such claims under law of the United States, and that the total amount recovered in any case brought under the provisions of this act for personal injury or death shall not exceed the sum of \$15,000. Should employees elect to sue hereunder their right of recovery shall be limited to the provisions of this act.

"SEC. 2. Any such claim may be instituted at any time within two years after the passage of this act notwithstanding the lapse of time or any statute of limitation. No statute for the limitation of the liability of the owner of any vessel shall be applicable to any such claim. Proceedings in any action under this act and appeals therefrom and payment of the judgment therein shall, except when inconsistent with the provisions of this act, be had as in the case of claims over which the court has jurisdiction in actions at law under the first paragraph of paragraph 20 of section 24 of the Judicial Code, as amended.

"SEC. 3. Service on the United States of America under any suit instituted under this act shall be had on the United States district attorney of the Western Division of the Western District of Tennessee, and the clerk of the United States district court of said district shall also send to the Attorney General of the United States a certified copy of the summons and declaration so filed. Said action shall be docketed and tried as any other suit at law pending in said court and tried by jury, or by stipulation of the parties a jury may be waived

as in other suits at law: *Provided, however*, That in all suits so filed under this act the claimants, in order to obtain a judgment against the United States of America, shall only be required to prove that they are the proper legal parties entitled to the recovery sought and the amount of damages suffered, if any, not exceeding \$15,000."

Mr. JONES. Mr. President, this is quite an important bill. I should like to have some explanation of it.

Mr. MCKELLAR. I shall be glad to comply with the request of the Senator from Washington. A bill of this kind was passed last year. It is for the purpose of determining the damages of various people who were drowned because of the sinking of the steamer *Norman* near Memphis several years ago.

Mr. JONES. I have no objection to the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### HORACE G. KNOWLES

The bill (S. 3325) for the relief of Horace G. Knowles was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,296.40 to Horace G. Knowles as salary for the period of March 30, 1909, to December 22, 1909, during which period he was commissioned as a minister of the United States to Nicaragua and was all that whole period under instructions to await orders of the State Department.

Mr. JONES. Mr. President, I would like to have the bill explained.

Mr. REED of Pennsylvania. Mr. President, I have been reading the report. Mr. Knowles was appointed commissioner to Nicaragua and was confirmed by the Senate. He was called home from Rumania, where he had been stationed, and was held here in Washington because the legation in Nicaragua was closed owing to the revolution. For some reason he was not permitted to be paid because of a ruling by the Treasury Department or the Comptroller General. The bill is to give him pay while he was waiting here under orders until it was possible for him to get to his post in Nicaragua.

Mr. KING. May I inquire of the Senator whether during the time he was here he was denied the compensation which he was receiving in Rumania?

Mr. REED of Pennsylvania. It seems that he was receiving a limited pay to which he was entitled under what is called the period of instruction that he was supposed to go through. His pay continued at that rate, but not at the full rate for a qualified minister.

Mr. MCKELLAR. Is the amount now appropriated for the full rate or is it the full rate less the amount which has already been paid?

Mr. REED of Pennsylvania. This is the amount of the shortage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (S. 3023) to revise the boundary of a portion of the Hawaiian National Park, on the island of Hawaii, in the Territory of Hawaii, was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to have an explanation of the bill.

Mr. NYE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

#### LOTS IN ST. MARKS, FLA.

The bill (H. R. 9842) to provide for the survey, appraisal, and sale of the undisposed lots in the town site of St. Marks, Fla., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Interior may cause all public lands within the Government town site of St. Marks, situated in sections 2, 3, 10, and 11, township 4 south, range 1 east, Tallahassee meridian, Florida, established by the act of March 2, 1833 (4 Stat. 664), to be surveyed into lots, blocks, streets, and alleys as he may deem proper and when the survey is completed cause said lots to be appraised by three competent and disinterested persons appointed by him and report their proceedings to him for action thereon. If such appraisement be disapproved, the Secretary of the Interior shall again cause the said lands to be appraised as before provided; and when the appraisal has been approved he shall cause the said lots to be sold at public sale to the highest bidder for cash at not less than the appraised value thereof, first having given 60 days' public notice of the time, place, and terms of the sale immediately prior thereto by publication in

at least one newspaper having a general circulation in the vicinity of the land and in such other newspapers as he may deem advisable; and any lots remaining unsold may be reoffered for sale at any subsequent time in the same manner at the discretion of the Secretary of the Interior, and if not sold at such second offering for want of bidders, then the Secretary of the Interior may sell the same at private sale for cash at not less than the appraised value thereof: *Provided*, That the square embracing the lands now being used as a burying ground be set aside as a cemetery for the use of the town of St. Marks, Fla.: *Provided further*, That the municipality of St. Marks, Fla., shall have a right for 90 days subsequent to the filing of the plat of survey of said town site to select and receive patent to any two blocks desired for public park purposes, not exceeding  $5\frac{1}{2}$  acres in area.

Mr. JONES. Mr. President, I would like to have an explanation of the bill.

Mr. OVERMAN. In the absence of the Senator from Florida [Mr. FLETCHER], who had to leave the Chamber, I was requested to say that he hopes the bill will pass. It has been approved by the department and everyone interested. It has relation to about 5 acres of land in town lots in St. Marks, Fla.

Mr. JONES. I see that the bill provides for a proper appraisal, and so on, so that I think the interests of the Government are fully protected.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILLS PASSED OVER

The bill (H. R. 445) authorizing the Secretary of the Interior to enter into a cooperative agreement or agreements with the State of Montana and private owners of lands within the State of Montana for grazing and range developments, and for other purposes, was announced as next in order.

Mr. KING. I suggest that the bill be passed over temporarily.

The PRESIDING OFFICER. The bill goes over temporarily.

The bill (H. R. 6684) to amend section 2455 of the Revised Statutes of the United States, as amended, relating to isolated tracts of public land, was announced as next in order.

Mr. JONES. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

#### APPROVAL OF ACT 25, SESSION LAWS OF 1927, HAWAII

The bill (H. R. 84) to approve Act 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the district of Waimea, on the island and in the county of Kauai, Territory of Hawaii," was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That Act No. 25 of the Session Laws of 1927 of the Territory of Hawaii, entitled "An act to authorize and provide for the manufacture, maintenance, distribution, and supply of electric current for light and power within Waimea and Kekaha, in the District of Waimea, on the island and in the county of Kauai, Territory of Hawaii," passed by the Legislature of the Territory of Hawaii and approved by the Governor of the Territory of Hawaii on March 26, 1927, is hereby approved: *Provided*, That the authority in section 15 of said act for the amending or repeal of said act shall not be held to authorize such action by the Legislature of Hawaii except upon approval by Congress in accordance with the organic act.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### BILL PASSED OVER

The bill (H. R. 6194) for the relief of Frank Stinchcomb was announced as next in order.

Mr. KING. Let the bill be passed over.

The PRESIDING OFFICER. The bill goes over.

#### ADDITIONAL PAY FOR SUBMARINE PERSONNEL

The bill (S. 3131) to provide additional pay for personnel of the United States Navy assigned to duty on submarines and to diving duty was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That hereafter all officers of the Navy on duty on board a submarine of the Navy shall, while so serving, receive 25 per cent additional of the pay for their rank and service as now provided by law; and an enlisted man of the United States Navy assigned to duty aboard a submarine of the Navy, or to the duty of diving, shall, in lieu of the additional pay now authorized, receive pay, under such regulations as may be prescribed by the Secretary of the Navy, at the rate of not less than \$5 per month, and not exceeding \$30 per month, in addition to the pay and allowances of his rating and service: *Provided*, That divers employed in actual salvage operations in depths of over 90 feet shall, in addition to the foregoing, receive the sum of \$5 per hour for each hour or fraction thereof so employed.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MARY M. JONES

The bill (H. R. 2524) for the relief of Mary M. Jones was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Mary M. Jones, out of any money in the Treasury of the United States not otherwise appropriated, in full settlement against the Government, the sum of \$1,035, in compensation for damages caused and sustained to property in Linn County, Oreg., such loss being caused by fire set from burning material from an Army airplane on or about July 1, 1924, the said airplane being in fire-control service under the direction of the Forest Service.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

PUBLIC HEALTH SERVICE ADVERTISING

The bill (S. 3294) for the relief of certain newspapers for advertising services rendered the Public Health Service of the Treasury Department, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the Comptroller General of the United States be, and he is hereby, authorized, notwithstanding the provisions of section 3828 of the Revised Statutes of the United States, to settle, adjust, and certify the following claims for advertising services rendered the Public Health Service, Treasury Department, namely, the claims of certain Chicago newspapers for advertising services rendered October 3, 1918, amounting in all to \$2,894, under the appropriation "Suppressing Spanish influenza and other communicable diseases, 1919"; the claim of a Houston (Tex.) newspaper, \$65.17, and the claim of a New York newspaper, \$30, for advertising services rendered between June and October, 1920, under the appropriations "Pay of personnel and maintenance of hospitals, Public Health Service, 1920," and "Maintenance, marine hospitals, 1921."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS PASSED OVER

The bill (S. 1956) for the relief of Levi R. Whitted was announced as next in order.

Mr. KING. Mr. President, will the Senator from North Carolina give us a brief explanation of the bill?

Mr. OVERMAN. I ask that the bill may go over temporarily.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska was announced as next in order.

Mr. LA FOLLETTE. Mr. President, I would like to have an explanation of the bill or else I must ask that it may go over.

Mr. CURTIS. Let it go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 2292) providing for the employment of certain civilian assistants in the office of the Governor General of the Philippine Islands, and fixing salaries of certain officials, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

MATTIE HALCOMB

The bill (S. 1434) for the relief of Mattie Halcomb was considered as in Committee of the Whole.

The bill had been reported from the Committee on Naval Affairs with an amendment, on page 1, after line 2, to strike out all after the enacting clause, and to insert in lieu thereof:

*Be it enacted, etc.*, That Mattie Halcomb, mother of Henry Grady Halcomb, late ship's cook, second class, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Henry Grady Halcomb was receiving at the date of his death: *Provided*, That the said Mattie Halcomb establishes to the satisfaction of the Secretary of the Navy the fact that she was actually dependent upon her son, the late Henry Grady Halcomb, at the time of his death.

SEC. 2. That the payment of the amount of money allowed and authorized to be paid to the said Mattie Halcomb is authorized to be made from the appropriation "Pay, subsistence, and transportation of naval personnel."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended so as to read: "A bill for the relief of Mattie Halcomb."

OUACHITA RIVER BRIDGE, HARRISONBURG, LA.

The bill (H. R. 5727) to extend the times for commencing and completing the construction of a bridge across the Ouachita River at or near Harrisonburg, La., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

WABASH RIVER BRIDGE, VINCENNES, IND.

The bill (S. 2965) authorizing the State of Indiana, acting by and through the State highway commission, to construct, maintain, and operate a toll bridge across the Wabash River at or near Vincennes, Ind., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Commerce with amendments, on page 3, after line 17, to insert the following:

SEC. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

And on page 3, line 22, strike out the section number "5" and insert the numeral "6," so as to make the bill read:

*Be it enacted, etc.*, That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, the State of Indiana, acting by and through the State highway commission, be, and is hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across the Wabash River, at a point suitable to the interests of navigation, at or near Vincennes, Ind., in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. There is hereby conferred upon the State of Indiana, acting by and through the State highway commission, all such rights and powers to enter upon lands and to acquire, condemn, occupy, possess, and use real estate and other property needed for the location, construction, maintenance, and operation of such bridge and its approaches as are possessed by railroad corporations for railroad purposes or by bridge corporations for bridge purposes in the State in which such real estate or other property is situated, upon making just compensation therefor, to be ascertained and paid according to the laws of such State, and the proceedings therefor shall be the same as in the condemnation or expropriation of property for public purposes in such State.

SEC. 3. The said State of Indiana, acting by and through the State highway commission, is hereby authorized to fix and charge tolls for transit over such bridge, and the rates of tolls so fixed shall be the legal rates until changed by the Secretary of War under the authority contained in the act of March 23, 1906.

SEC. 4. In fixing the rates of toll to be charged for the use of such bridge the same shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize an amount not to exceed the cost of such bridge and its approaches as soon as possible under reasonable charges, but within a period of not to exceed 10 years from the completion thereof. After a sinking fund sufficient to pay an amount not to exceed the cost of constructing the bridge and its approaches shall have been so provided, such bridge shall thereafter be maintained and operate free of tolls. An accurate record of the cost of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 5. The act of Congress approved February 13, 1925, authorizing the States of Indiana and Illinois to construct a bridge over the Wabash River at Vincennes, Ind., is hereby repealed.

SEC. 6. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE, CHESTER, ILL.

The bill (H. R. 6973) authorizing E. H. Wegener, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

COOSA RIVER BRIDGE, CHEROKEE COUNTY, ALA.

The bill (H. R. 8530) granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a bridge across the Coosa River near Cedar Bluff, in Cherokee County, Ala., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

REFERENCE OF BILL

Mr. WILLIS. Mr. President, a few moments ago Calendar No. 395, the bill (S. 2069) to extend the provisions of section 1814 of the Revised Statutes to the Territories of Hawaii and Alaska, was objected to by the Senator from Wisconsin [Mr. LA FOLLETTE]. My attention has been called to the fact that under the practice this bill, while reported from the Committee on Territories and Insular Possessions, really ought to have gone to the Committee on the Library, since it relates to a matter here in the Capitol. I ask, therefore, that the bill be taken from the calendar and referred to the Committee on the Library.

The PRESIDING OFFICER. Without objection, it is so ordered.

POULTRY DISEASES

Mr. JONES. Mr. President, a short while ago I objected to the immediate consideration of Order of Business No. 360, being Senate bill 2030, to provide for research into the causes of poultry diseases, and so forth. I objected to the consideration of the bill to which I refer because I thought that its subject matter would be cared for in the agricultural appropriation bill. I have since examined the latter bill hurriedly, and I am inclined to think that it probably does not give the authority which may be necessary; so I withdraw my objection to the consideration of the bill which I have named.

The PRESIDING OFFICER. Is there objection to returning to the consideration of the bill named by the Senator from Washington?

Mr. SACKETT. Mr. President, I hope the bill may be passed. Its passage is essential in the States which are engaged in shipping poultry.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (S. 2030) to provide for research into the causes of poultry diseases, for feeding experimentation, and for an educational program to show the best means of preventing disease in poultry, which was read, as follows:

*Be it enacted, etc.*, That the Secretary of Agriculture is hereby authorized to have the Bureau of Animal Industry institute research into the causes of influenza, infectious bronchitis, white diarrhea, and other diseases of poultry, also that he be authorized to conduct feeding experimentation with a view to increasing the physical welfare of poultry.

SEC. 2. That to carry out the provisions of section 1 the Secretary of the Treasury is authorized and directed to set aside the sum of \$30,000, to be paid to the Secretary of Agriculture in the usual way.

SEC. 3. That the Secretary of Agriculture is hereby authorized to have the Bureau of Animal Industry arrange an educational program to present to farm agents and others who may be interested in the improvement of the health of poultry, ways of preventing disease, and to give to the public methods of practical poultry sanitation at the discretion of the Secretary.

SEC. 4. That to carry out the provisions of section 3 the Secretary of the Treasury is authorized and directed to set aside the sum of \$20,000, to be paid to the Secretary of Agriculture in the usual way.

Mr. KING. Mr. President, I move to reduce the amount of the proposed appropriation from \$30,000 to \$20,000.

Mr. SMITH. Mr. President, I hope the Senator from Utah will not offer that amendment, because if the work contemplated in the bill is efficiently done it will be worth a hundred times the amount proposed to be appropriated. We had better have it done as thoroughly as may be rather than to restrict the bureau at the very initial period of the investigation.

Mr. KING. I had in mind the fact that the agricultural appropriation bill will soon be here.

Mr. SACKETT. Mr. President, the poultry industry is really the fourth largest agricultural industry in this country. It has never as yet had adequate protection, and it is proposed by this bill to make researches and studies which will result in the protection of shipments of poultry in interstate commerce.

Mr. KING. If the Agricultural Department should take some of its very large and, I think, extravagant appropriations for other purposes and apply a portion of them to this investigation it would perhaps be rendering a public service.

The PRESIDING OFFICER. Does the Senator from Utah offer the amendment which he has suggested?

Mr. KING. I withdraw the amendment.

Mr. REED of Pennsylvania. Mr. President, I move to strike out section 2 of the bill and to insert in lieu thereof the following words:

That in order to carry out the provisions of section 1 of this act the sum of \$30,000 is authorized to be appropriated.

Mr. SMITH. Mr. President, I think that that amendment would, if adopted, put the bill in proper shape, because it would make the necessary authorization.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. REED of Pennsylvania. I move to strike out section 4 and to insert the following:

That in order to carry out the provisions of section 3 of this act the sum of \$20,000 is authorized to be appropriated.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

ALABAMA, WISCONSIN, ILLINOIS, MINNESOTA, AND LOUISIANA BRIDGE BILLS

The following bridge bills were severally considered as in Committee of the Whole, reported to the Senate without amendment, ordered to a third reading, read the third time, and passed:

H. R. 8531. An act granting the consent of Congress to the Highway Department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River on the Columbiana-Talladega road between Talladega and Shelby Counties, Ala.;

H. R. 8726. An act authorizing Oscar Baertch, Christ Buhmann, and Fred Reiter, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Alma, Wis.;

H. R. 8740. An act granting the consent of Congress to the county of Cook, State of Illinois, to construct, maintain, and operate a free highway bridge across the Little Calumet River in Cook County, State of Illinois;

H. R. 8741. An act authorizing the Dravo Contracting Co., its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Chester, Ill.;

H. R. 8743. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near St. Paul and Minneapolis, Minn.;

H. R. 8818. An act granting the consent of Congress to the Louisiana Highway Commission to construct, maintain, and operate a free highway bridge across the Red River at or near Moncla, La.;

H. R. 8837. An act authorizing the American Bridge & Ferry Co. (Inc.), its successors and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Cassville, Wis.;

H. R. 8896. An act granting the consent of Congress to the State of Alabama to construct, maintain, and operate a free highway bridge across the Conecuh River on the Brewton-Andalusia Road in Escambia County, Ala.;

H. R. 9064. An act granting the consent of Congress to the highway department of the State of Alabama to construct, maintain, and operate a free highway bridge across the Coosa River at or near Pell City, on the Pell City-Anniston Road between Calhoun and St. Clair Counties, Ala.

BILLS REPORTED FROM COMMITTEE ON MILITARY AFFAIRS

Mr. REED of Pennsylvania. Mr. President, I wish to state to the Senate why it is that about 25 bills reported from the Committee on Military Affairs and next on the calendar are found in one place. The War Department sent the committee about 40 suggested bills, some of which the committee did not approve and some of which we wished further to study, but after hearing the Secretary of War explain in detail these particular bills the committee was unanimous in voting to report them. Almost every member of the committee was present during the discussion. Each bill was taken up carefully and in detail. Many bills were not agreed to and were withheld, either permanently or for further explanation. Each of the bills that follow on the calendar I shall be glad to explain one by one as we get to them; but I simply wish the Senate to understand that these bills are here after full consideration by the Military Committee.

Mr. KING. May I ask the Senator from Pennsylvania whether they are for the purpose of giving higher grades or greater compensation to officers?

Mr. REED of Pennsylvania. I do not think there is a single case of that kind except one private bill to correct a clerical error in the length of the commissioned service of an officer.

Mr. KING. I notice in one bill that there is a provision for mileage apparently changing the cost of transportation.

Mr. REED of Pennsylvania. That is rather an economy than an additional allowance, as I will explain when we get to the bill.

#### TRANSFER OR LOAN OF AERONAUTICAL EQUIPMENT

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1822) to authorize the Secretary of War to transfer or loan aeronautical equipment to museums and educational institutions, which was read, as follows:

*Be it enacted, etc.,* That the Secretary of War be, and he is hereby, authorized in his discretion to transfer or loan to museums or properly accredited schools, colleges, and universities, for exhibition or instructional purposes, any aircraft, aircraft parts, instruments, or engines that have become obsolete or impaired to the extent that repair would not be economical: *Provided*, That such aircraft, aircraft parts, or engines will not be used in actual flight: *Provided further*, That no expense shall be caused the United States Government by the delivery or return of said property.

Mr. REED of Pennsylvania. The bill which is now under consideration proposes to provide for the loan to colleges of obsolete aviation equipment on condition that it shall not be used in flying.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### FRANK STINCHCOMB

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent to return to Order of Business 389, being the bill (H. R. 6194) for the relief of Frank Stinchcomb. There is now no objection to the consideration of the bill, the Senator who objected when it was reached on the calendar having withdrawn his objection.

Mr. JONES. Mr. President, what is the object of the bill, I will ask the Senator from Massachusetts?

Mr. WALSH of Massachusetts. The bill relates to the computation of service of a lieutenant in the Navy, but it does not involve any expense.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Massachusetts?

Mr. JONES. Who asked that the bill go over?

Mr. WALSH of Massachusetts. The Senator from Utah [Mr. KING] asked that it go over, but he has withdrawn his objection. As I have explained, the bill involves no expenditure of money, but merely fixes the officer's status on the pay roll.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill. It proposes that an act for the relief of Frank Stinchcomb, approved June 6, 1924 (43 Stat. L. 1374), be amended by adding thereto the following: "*Provided*, That if appointed a lieutenant in the regular Navy he shall be entitled to count all service which he would have been entitled to count had he been appointed a lieutenant in the United States Navy under the act of June 4, 1920, for pay and all other purposes: *Provided*, That no back pay or allowances shall accrue to this officer by reason of the passage of this act."

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TRANSPORTATION ALLOWANCE

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 1825) to amend section 12 of the act approved June 10, 1922, entitled "An act to readjust the pay and allowances of commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service," as amended by the act of June 1, 1926 (44 Stat. L. 680), so as to authorize an allowance of 3 cents per mile, in lieu of transportation in kind, for persons using privately owned conveyances while traveling under competent orders, which was read, as follows:

*Be it enacted, etc.,* That section 12 of the joint service pay act of June 10, 1922, as amended, be further amended by inserting between the first and second paragraphs the following:

"Individuals belonging to any of the services mentioned in the title of this act, including the National Guard and the reserves of such services, traveling under competent orders which entitle them to transportation or transportation and subsistence as distinguished from mileage, who, under regulations prescribed by the head of the department concerned, travel by privately owned conveyance shall be entitled,

in lieu of transportation by the shortest usually traveled route now authorized by law to be furnished in kind, to a money allowance at the rate of 3 cents per mile for the same distance: *Provided*, That this provision shall not apply to any person entitled to traveling expenses under the 'subsistence expense act of 1926.'"

Mr. REED of Pennsylvania. Mr. President, at the present time the law entitles an officer who travels under orders in his own automobile to be paid his entire expense for gasoline and oil on the presentation of receipts therefor. Such bills average more than 3 cents a mile, but in order to save the bother to the officer concerned and the clerical work on the part of the Government it seems to be wise to establish a low rate per mile. This bill establishes an allowance of only 3 cents per mile, as against 7 cents per mile if the officer travels by train. It will result in an economy to the Government and the saving of clerical work.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### GENERAL STAFF CORPS ELIGIBLE LIST

The bill (S. 1828) to amend the second paragraph of section 5 of the national defense act, as amended by the act of September 22, 1922, by adding thereto a provision that will authorize the names of certain graduates of the General Service Schools and of the Army War College, not at present eligible for selection to the General Staff Corps eligible list, to be added to that list, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the second paragraph of section 5 of the national defense act, as amended by the act approved June 4, 1920, and further amended by the act of September 22, 1922, be, and the same is hereby, amended to read as follows:

"After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list: *Provided*, That nothing herein shall operate to debar the name of any graduate of the Army War College, the Command and General Staff School, or the former General Staff College, General Staff School, Army Staff College, the Staff College, the School of the Line, the Army School of the Line, or the Infantry-Cavalry School from being added to the General Staff Corps eligible list if the manner of the performance of his duties and quality of his work is such as to indicate that he has since become well qualified for General Staff duty, and he is so recommended by a board of general officers: *And provided further*, That the name of any National Guard or reserve officer who has demonstrated by actual service with the War Department General Staff during a period of not less than six months, as hereinafter provided for, that he is qualified for General Staff duty, may, upon the recommendation of a board consisting of the general officers of the War Department General Staff, assistants to the Chief of Staff, be added to said eligible list at any time. The Secretary of War shall publish annually the list of officers eligible for General Staff duty, and such eligibility shall be noted in the annual Army Register. If at any time the number of officers available and eligible for detail to the General Staff is not sufficient to fill all vacancies therein, majors or captains may be detailed as acting General Staff officers under such regulations as the President may prescribe: *Provided*, That in order to insure intelligent cooperation between the General Staff and the several non-combatant branches, officers of such branches may be detailed as additional members of the General Staff Corps under such special regulations as to eligibility and redetail as may be prescribed by the President, but not more than two officers from each such branch shall be detailed as members of the War Department General Staff."

Mr. REED of Pennsylvania. Mr. President, in explanation of that bill, let me say that at present there are a number of graduates of the Army War College, the Command and General Staff School, the former General Staff College, as it was called, the General Staff School, and the School of the Line who to-day are ineligible for appointment to the staff, although their service has been highly creditable. The new language which this bill adds to the existing law is found on page 2 between lines 9 and 19. The result will be to widen the field of choice for staff duty. At present the department thinks the field of choice is too much restricted.

Mr. ROBINSON of Arkansas. How is it restricted now, may I ask the Senator?

Mr. REED of Pennsylvania. It is restricted by the law which the Senator will find at the top and at the bottom of page 2, which provides:

After the completion of the initial General Staff Corps eligible list, the name of no officer shall be added thereto unless upon graduation from the General Staff School he is specifically recommended as qualified for General Staff duty, and hereafter no officer of the General Staff Corps, except the Chief of Staff, shall be assigned as a member of the War Department General Staff unless he is a graduate of the General Staff College or his name is borne on the initial eligible list.

A large number of officers with high credit for past service had all the schooling that was available to them at the time of their study before the staff college was organized, and the department feels that, in fairness to those officers, they ought to be eligible for selection if they are considered desirable.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### COLLECTION OF INDEBTEDNESS OF ENLISTED MEN

The bill (S. 1829) to authorize the collection, in monthly installments, of indebtedness due the United States from enlisted men, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That under such regulations as the Secretary of War shall prescribe, when it has been administratively ascertained that an enlisted man of the Army is indebted to the United States or any of its instrumentalities, the amount of such indebtedness may be collected in monthly installments by deduction from his pay on current pay rolls: *Provided*, That the aggregate sum of such deductions for any month shall not exceed two-thirds of the soldier's rate of pay for that month: *And provided further*, That whenever any part of the pay of a soldier for a certain month shall have been legally forfeited by sentence of court-martial, or otherwise legally authorized to be withheld, then no deduction under this act shall be so applied as to reduce the actual pay received by the soldier for that month below one-third of his authorized rate of pay therefor: *And provided further*, That the Secretary of War, under such regulations as he shall prescribe, may cause to be remitted and canceled, upon honorable discharge of the enlisted man from the service, any such indebtedness incurred during the current enlistment and remaining unpaid at the time of discharge: *And provided further*, That nothing in this act shall be construed to prevent collections of such indebtedness on final statements from pay, in the proportions hereinbefore indicated, or from clothing allowance savings.

Mr. REED of Pennsylvania. Mr. President, the bill now under consideration seems to me to be highly desirable from the standpoint of the welfare of the enlisted men. At present if an enlisted man owes anything to the Government his entire pay is taken each month until the Government is reimbursed. This bill limits the amount of the deductions to two-thirds of his monthly pay. The Government in the end will get its money back, but the man in the meantime will have something on which to live. Great embarrassment is caused to some men whose full monthly pay is taken for two or three months in that way.

Mr. KING. How do they become indebted to the Government?

Mr. REED of Pennsylvania. The indebtedness may arise in various ways. The Senator will understand that allotments absorb part of the enlisted man's pay; his war-risk insurance takes another slice out of his month's pay; and if he is found guilty by court-martial of some minor infraction and sentenced to forfeit say one half of his pay, if the other half is taken up by allotments, the result is that he has nothing whatever coming to him at the end of the month.

Mr. TYDINGS. Mr. President, will the Senator yield?

Mr. REED of Pennsylvania. I yield.

Mr. TYDINGS. He might also lose a piece of his equipment, such as his rifle or other article, and would be obliged to make it good.

Mr. REED of Pennsylvania. Yes; but the commonest case is that of sentence by summary court. Of course, if he damages or loses Government property, he is held liable for that.

Mr. KING. Suppose he leaves the service before the Government has been paid?

Mr. REED of Pennsylvania. In that case the Government loses just as it loses now. If he is discharged with an honorable discharge any balance of indebtedness remaining unpaid is canceled. That, I understand, is the law to-day.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### EXCHANGE OF DETERIORATED AND UNSERVICEABLE AMMUNITION

The bill (S. 1833) to amend the act approved June 1, 1926 (44 Stat. L. 680), authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the act of June 1, 1926, authorizing the Secretary of War to exchange deteriorated and unserviceable ammunition and components, and for other purposes (44 Stat. L. 680), be, and the same is hereby, amended to read as follows:

"That the Secretary of War be, and he is hereby, authorized to exchange deteriorated and unserviceable ammunition and components thereof for ammunition or components thereof in condition for immediate use, or to sell the same and procure new ammunition or components thereof from the proceeds of such sales: *Provided*, That the proceeds of such sales also shall be available to defray either the whole or part of the expenses of the necessary breaking down of deteriorated and unserviceable ammunition, of preparing ammunition or components for sale, of selling, and of reconditioning and placing in storage ammunition or components to be retained, and he shall make statement of his action under this provision in his annual report."

Mr. McKELLAR. Will the Senator explain that bill?

Mr. REED of Pennsylvania. Yes. Under the present law the Secretary of War has authority to exchange deteriorated ammunition, but the authority extends only to an exchange of it. If he finds, for example, a charge for a .75 gun with its brass case and its shell has deteriorated so as to become completely useless, all the Secretary can do now is to make an arrangement to exchange that with somebody for a piece of good ammunition. In that way he is limited in respect to the number of people with whom he may deal. This bill would allow him to sell it as well as to barter it.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### APPROPRIATIONS FOR ARMY CONTINGENCIES

The bill (S. 2387) to authorize appropriations for contingencies of the Army, was announced as next in order.

Mr. McKELLAR. Mr. President, I should like an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, at the present time there is a military-contingent fund which may be used for necessary entertainment of distinguished guests or foreign officers who come to military posts. For example, a distinguished admiral of some other navy stops at Honolulu and is there entertained by the commander of the Hawaiian department. There is a small contingent fund on which he is permitted to draw for that entertaining. This bill does not provide any increase in the amount, but it widens the authority so as to allow for contemporaneous entertainment of American officers who may happen to be in the assemblage.

It is a trivial thing. It is explained in the report by the statement of the Secretary that at present many commanding officers in the Army are required to defray from their personal funds large amounts annually in the official entertainment of distinguished foreigners and high officials.

Mr. ROBINSON of Arkansas. What is the total amount expended for the purposes contemplated by the bill?

Mr. REED of Pennsylvania. I am not familiar with the amount that is now expended; but they make an estimate here that the passage of this bill will not cause an expenditure of more than \$6,000 per annum.

Mr. ROBINSON of Arkansas. That is, it will not increase the amount by more than that?

Mr. REED of Pennsylvania. That is the estimate. If the Senator would like the bill to go over, I will get the exact figures.

Mr. ROBINSON of Arkansas. Oh, no; I do not ask that.

Mr. McKELLAR. I should rather have the Senator put in a provision, if he will, putting a certain limitation on it, because he can easily see that if extended too far it might cause adverse comment.

Mr. REED of Pennsylvania. I do see that, and I think I ought to have the figures to give the Senate before I ask that the bill be taken up; so I will ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### PAY OF NATIONAL GUARD OFFICERS AND ENLISTED MEN

The bill (S. 2537) to amend section 110, national defense act, so as to provide better administrative procedure in the disbursements for pay of National Guard officers and enlisted men, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That the second paragraph of section 110, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"All amounts appropriated for the purpose of this and the last preceding section shall be disbursed and accounted for by the officers and agents of the Finance Department of the Army, and effective as soon as practicable after July 1, 1928, all disbursements under the foregoing

provisions of this section shall be made for such three months' periods for the various units of the National Guard as shall be prescribed in regulations issued by the Secretary of War and on pay rolls prepared and authenticated in the manner prescribed in said regulations: *Provided*, That for the period necessary to put into operation the payment plan herein provided for, the Secretary of War is authorized to fix initial pay periods of less than three months for such number of units as he may deem necessary: *And provided further*, That stoppages may be made against the compensation payable to any officer or enlisted man hereunder to cover the cost of public property lost or destroyed by, and chargeable to, such officer or enlisted man."

Mr. REED of Pennsylvania. This bill is made necessary by the fact that the present law provides for the paying of National Guard officers at the end of every three-month period, and a definite quarter is fixed at the end of which all officers have to be paid. What it is desired to do is to stagger those payments, so that fewer clerks can do the work by working steadily at it throughout the year.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INJURIES TO MEMBERS OF CIVILIAN COMPONENTS OF ARMY

The bill (S. 2948) to amend section 6, act of March 4, 1923, as amended, so as to better provide for care and treatment of members of the civilian components of the Army who suffer personal injury in line of duty, and for other purposes, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That section 6 of the act approved March 4, 1923, entitled "An act to extend the benefits of section 14 of the pay readjustment act of June 10, 1922, to validate certain payments made to the National Guard and reserve officers and warrant officers, and for other purposes," as amended by an act approved June 3, 1924, be, and the same is hereby, amended to read as follows:

"Sec. 6. That officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty while at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the national defense act of June 3, 1916, as amended; members of the Officers' Reserve Corps and of the enlisted reserve corps of the Army who suffer personal injury in line of duty while on active duty under proper orders; and persons hereinbefore described who may now be undergoing hospital treatment at Government expense for injuries so sustained; shall, under such regulations as the President may prescribe, when hospital treatment is necessary for appropriate treatment of such injury, be entitled to hospital treatment, including medical treatment, at Government expense, until the disability resulting from such injury can not be materially improved by further hospital treatment, and, during the period of hospitalization, to the same pay and allowances whether in money or in kind that they were entitled to receive at the time such injury was suffered, and to transportation to their homes at Government expense when discharged from hospital. Officers, warrant officers, and enlisted men of the National Guard who suffer personal injury in line of duty when participating in aerial flights prescribed under the provisions of section 92 of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury had been suffered while in line of duty at encampments, maneuvers, or other exercises under the aforementioned section 94 of the national defense act; and members of the Officers' Reserve Corps and enlisted reserve corps of the Army injured in line of duty while voluntarily participating in aerial flights in Government-owned aircraft by proper authority as an incident to their military training, but not on active duty, shall, under regulations prescribed as aforesaid, be entitled to the same hospital treatment, including medical treatment, pay and allowances, and transportation to their homes, as if such injury had been suffered while on active duty under proper orders. No person hospitalized under the foregoing provisions of this section on account of any personal injury suffered shall be entitled to receive, in connection with such injury, pay or allowance other than hospital treatment, including medical treatment and transportation, as herein provided, for more than six months; but for any remaining period of such hospitalization he shall be entitled to subsistence at Government expense: *Provided*, That the pay and allowances of members of the Officers' Reserve Corps and the enlisted reserve corps of the Army on active duty shall not be limited hereby. Members of the Reserve Officers' Training Corps and members of the civilian training corps who suffer personal injury in line of duty while at camps of instruction under the provisions of sections 47a and 47d of said national defense act as amended shall, under regulations prescribed as aforesaid, be entitled to hospital treatment, including medical treatment and transportation to their homes, as in the case of persons hereinbefore described, and to subsistence during hospitalization. If the death of any person mentioned herein occurs while he is undergoing

the training or hospital treatment contemplated by this section, the United States shall, under regulations prescribed as aforesaid, pay for burial expenses and the return of the body to his home a sum not to exceed \$100.

"The validation, under this section as heretofore standing, of certain expenditures previously made by the Government shall not be disturbed."

Mr. REED of Pennsylvania. Mr. President, the explanation of this bill is simple. It is merely to correct a quibble raised by some of the law officers of the department in regard to the words in the present law that provide for treating these boys who go to civilian camps in summer, or Reserve Officers' camps, or Officers' Reserve Corps summer training, and get hurt in the course of their training. The present law provides that they shall receive medical attention "until fit for transportation home." It is held, because of the use of those words, that the Government has no right to treat them after the moment at which they are physically able to travel without risk to their lives.

I think Congress never meant anything of that sort; but the Judge Advocate General has held that those words mean that all that the Army can give a boy who is hurt is merely such restoration as is necessary to fit him for transportation to his home; and, no matter how bad his condition when he gets home, the very fact that he went there is evidence that he was fit for transportation, and therefore treatment can not be furnished. This is merely to allow them to carry him on the end of his illness.

Mr. KING. This bill does not provide for indefinite care or for compensation during the period of illness brought about by the accident or any malady that may have resulted from the boy's service?

Mr. REED of Pennsylvania. No, Mr. President; it gives no compensation whatever—merely medical treatment by Army doctors—and I can not see that it will involve any considerable increase in cost to the Army. I know it was intended by Congress, when it passed the original law, that such treatment should be given.

Mr. SMITH. Mr. President, does not the Senator think that if it did involve considerable cost, if the injury was sustained during the service in training, it should be incurred?

Mr. REED of Pennsylvania. I think it should; and I think that is what Congress meant.

Mr. HEFLIN. Mr. President, that is the suggestion I intended to make. The Senator from South Carolina is right. If the boy is hurt in the line of duty and disabled, if he can not work, and he lies in a hospital or at home, why should not the Government have him treated and pay him for the time he has lost, too?

Mr. SMITH. Does the amendment cover that?

Mr. REED of Pennsylvania. It certainly will take care of his medical treatment. It does not provide for any pension.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 2950) to amend the second paragraph of section 67, national defense act, as amended, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the second paragraph of section 67, national defense act, as amended, be, and the same is hereby, amended to read as follows:

"The appropriation provided for in this section shall be apportioned among the several States and Territories under just and equitable procedure to be prescribed by the Secretary of War and in direct ratio to the number of enlisted men in active service in the National Guard existing in such States and Territories at the date of apportionment of said appropriation, and to the District of Columbia, under such regulations as the President may prescribe: *Provided*, That the sum so apportioned among the several States, Territories, and the District of Columbia shall be available under such rules as may be prescribed by the Secretary of War for the actual and necessary expenses incurred by officers and enlisted men of the Regular Army when traveling on duty in connection with the National Guard; for actual and necessary expenses incurred by officers of the Regular Army, and reserve officers holding commissions in the National Guard on active duty in the Militia Bureau or the War Department General Staff, while traveling in attending the annual conventions of the National Guard Association of the United States and The Adjutants General Association; for the transportation of supplies furnished to the National Guard for the permanent equipment thereof; for office rent and necessary office expenses of officers of the Regular Army on duty with the National Guard; for the expenses of the Militia Bureau, including clerical services; for expenses of enlisted men of the Regular Army on duty with the National Guard, including an allowance for quarters and subsistence provided in section

11 of the pay readjustment act of June 10, 1922, medicine, and medical attendance; and such expenses shall constitute a charge against the whole sum annually appropriated for the support of the National Guard and shall be paid therefrom and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries, and suitable target ranges; for the hiring of horses and draft animals for use of mounted troops, batteries, and wagons for forage for the same; and for such other incidental expenses in connection with lawfully authorized encampments, maneuvers, and field instruction as the Secretary of War may deem necessary, and for such other expenses pertaining to the National Guard as are now or may hereafter be authorized by law."

Mr. REED of Pennsylvania. Mr. President, the explanation of that bill is that it is simply to allow travel expense for those officers who attend National Guard conventions or conventions of adjutants general. It will involve practically no expenditure of money whatever, and will not result in an increase in appropriations.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### ISSUE OF ARMS, ETC., FOR PROTECTION OF PUBLIC MONEY AND PROPERTY

The bill (S. 3058) to amend that provision of the act approved March 3, 1879 (20 Stat. L. 412), relating to issue of arms and ammunition for the protection of public money and property, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That the provision relating to issue by the Secretary of War of arms and ammunition for protection of public money and property, contained in the act of March 3, 1879 (20 Stat. L. 412), be, and the same is hereby, amended to read as follows:

"That upon the request of the head of any department or independent agency of the Government, the Secretary of War be, and he hereby is, authorized to issue arms, suitable accouterments for use therewith, and ammunition whenever they may be required for the protection of the public money and property, and they may be delivered to any officer of the department or independent agency designated by the head of such department or independent agency, to be accounted for to the Secretary of War, and to be returned when the necessity for their use has expired: *Provided, however*, That hereafter the cost of all ammunition issued, the cost of replacing borrowed arms and accouterments which are lost or destroyed or are irreparable, the cost of repairing arms and accouterments returned to the War Department, and the cost to the War Department of making and receiving shipments under the authority of this act shall be covered by transfer of funds from the department or independent agency concerned to the credit of War Department funds."

Mr. KING. Mr. President, I should like an explanation of that bill.

Mr. REED of Pennsylvania. Mr. President, the effect of the proviso which is added by this bill will be to relieve the War Department in the future of charges against its appropriations for stores which it issues to the Postmaster General and the Secretary of the Treasury. It is not estimated that there will be any increase in cost. The bill seems to have been omitted from my calendar, so that I can not speak by the book; but the purpose of the bill is to authorize transfers in appropriations from the departments that receive these arms of the War Department itself. It is a mere bookkeeping matter, and does not increase the cost to the Government.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### RECOVERY OF BODIES OF OFFICERS, SOLDIERS, ETC.

The bill (H. R. 230) to authorize an appropriation for the recovery of bodies of officers, soldiers, and civilian employees was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, such sum as may be necessary to pay the expenses incident to the recovery of bodies of officers, cadets, United States Military Academy, acting assistant surgeons, members of the Army Nurse Corps, warrant officers, enlisted men, and civilian employees, under such regulations as the Secretary of War may prescribe.

Mr. REED of Pennsylvania. Mr. President, at the present time the Government has authority and appropriations for the burial of bodies, for their transportation to their homes, and for all of the expense resulting from a drowning case, but it has not authority to pay anybody to try to recover the body

if it is not found at the time of the accident. Once in a while it becomes necessary to drag a stream or a lake to try to recover a body; but the Comptroller General has ruled, I understand, that there is no money available for that purpose.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### FORT MONMOUTH MILITARY RESERVATION, N. J.

The bill (H. R. 233) to provide for the purchase of land in connection with the Fort Monmouth Military Reservation, N. J., was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That The Secretary of War is hereby authorized and empowered to acquire a strip of land lying along the easterly side of the Red Bank-Eatontown Highway, bordering on and for use of Fort Monmouth Military Reservation, N. J., and there is hereby authorized to be appropriated for such purpose a sum not to exceed \$1,000 out of any money in the Treasury not otherwise appropriated.

Mr. REED of Pennsylvania. That is a strip of land running along a vacated street-railway track.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### SUBSISTENCE OF CANDIDATES ATTENDING TRAINING CAMPS

The bill (H. R. 234) to amend section 47d of the national defense act, as amended, so as to authorize an allowance of 1 cent a mile for subsistence of candidates in going to and returning from camp was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That section 47d of the national defense act, as amended by the act approved June 4, 1920 (41 Stat. 779), be, and the same is, further amended by inserting between the words "mile" and "for" in the fourteenth line of said section 47d the following language to wit:

"Or, at the option of the Secretary of War, transportation in kind may be furnished, and in addition thereto candidates may be paid a subsistence allowance at the rate of 1 cent a mile within such limits as to territory as the Secretary of War may prescribe."

Mr. REED of Pennsylvania. Mr. President, at the present time the students going to these citizens' summer camps are paid the cost of their meals while traveling, provided they bring a receipt to show what they paid. It requires a lot of clerk hire, but in the end it costs more than an average of a cent a mile. This is to help everybody by establishing a flat rate.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### TRAVEL EXPENSES FOR SURVEYS OF BATTLE FIELDS

The bill (H. R. 235) to authorize the payment of travel expenses from appropriations for investigations and surveys of battle fields was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.*, That mileage of officers of the Army and actual expenses of civilian employees traveling on duty in connection with the studies, surveys, and field investigations of battle fields shall be paid from the appropriations made from time to time to meet the expenses for these purposes.

Mr. REED of Pennsylvania. This bill is due to a ruling of the Comptroller General that the travel of officers in going to a battle field could not be paid out of an appropriation to make a survey of the battle field after they got there.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### INCLUSION OF ARMY NURSES IN LAW GRANTING SIX MONTHS' PAY TO BENEFICIARIES

The bill (H. R. 238) to amend an act entitled "An act to provide for the payment of six months' pay to the widow, children, or other designated dependent relative of any officer or enlisted man of the Regular Army whose death results from wounds or disease not the result of his own misconduct," approved December 17, 1919, so as to include nurses of the Regular Army, was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this simply extends the privilege to nurses regularly employed in the Army. It has been ruled that they were not enlisted persons.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### DISPOSITION OF REMAINS OF MILITARY PERSONNEL AND CIVIL EMPLOYEES OF THE ARMY

The bill (H. R. 248) to authorize appropriations to be made for the disposition of remains of military personnel and civilian employees of the Army was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, this is general legislation which has been carried in the War Department appropriation bill for many years; and in the desire to shorten that bill we are putting it in general legislation.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### LANDS IN PENNSYLVANIA

The bill (H. R. 5476) to authorize the Secretary of War to sell to the Pennsylvania Railroad Co. a tract of land situate in the city of Philadelphia and State of Pennsylvania was considered as in Committee of the Whole.

Mr. JONES. Mr. President, I should like to know why the bill specifies that this land shall be sold to the Pennsylvania Railroad Co.

Mr. REED of Pennsylvania. It is really an exchange. This is a tract of land used for a system of tracks in North Philadelphia at the depot now being used by the Shipping Board. The railway tracks in that neighborhood are being elevated, and the yards owned by the Government will soon cease to have any connection with any railway system because of the elevation. The railroad has offered to provide a tract of substantially the same acreage, and, they say, of equal value, and to take over this yard area from the Government.

The committee in the House of Representatives was somewhat skeptical as to the fate of the Government in these exchanges of land, and therefore it amended the bill in the House to require appraisals and to forbid a sale for less than the appraised value.

Mr. ROBINSON of Arkansas. There is no authority here for a transfer or exchange of lands. The authority is for the sale; but I presume the War Department already has authority to purchase the tract that it desires.

Mr. REED of Pennsylvania. I understand so.

Mr. ROBINSON of Arkansas. Manifestly, the only purchaser for the land probably would be the Pennsylvania Railroad Co.

Mr. REED of Pennsylvania. Yes; the only purchaser could be that company.

Mr. JONES. Does the Government need this land?

Mr. REED of Pennsylvania. It is part of the Shipping Board facilities there. The War Department has the title, I believe. It is charged to the War Department; but I understand that the only use for the land at present is the use to which the Shipping Board is putting it.

Mr. McKELLAR. Does the land border on the water, or not?

Mr. REED of Pennsylvania. It is not right at the water. I understand that the piers are not to be changed, but the purpose of this exchange is to enable them to get from the railroad company another area on which tracks can be constructed that will lead to these same piers.

Mr. ROBINSON of Arkansas. They do not require this particular tract any longer, according to the report, for military purposes.

Mr. REED of Pennsylvania. That is my understanding.

Mr. ROBINSON of Arkansas. That is what the Secretary of War states in his letter.

Mr. JONES. Does the Shipping Board require it?

Mr. McKELLAR. I was just going to ask, does the Shipping Board desire the property?

Mr. REED of Pennsylvania. I do not understand that the Shipping Board has made any objection to this bill, but I suggest that we allow the bill to go over.

Mr. JONES. I think it had better go over.

Mr. REED of Pennsylvania. I will get a report from them.

Mr. JONES. I hope the Senator will find out, too, if they actually exchange lands, why they need other lands.

The PRESIDING OFFICER. The bill will be passed over.

#### PURCHASE OF HORSES AND MULES

The bill (H. R. 7195) to provide for the purchase of horses and mules for the Military Establishment was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, the whole purpose of this bill is to use the appropriation for the purchase of mules, under the requirement that they shall be purchased in the open market. The present law does not make that requirement.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### CIVILIAN CARETAKERS FOR NATIONAL GUARD

The bill (H. R. 242) to amend section 90 of the national defense act, as amended, so as to authorize employment of additional civilian caretakers for National Guard organizations, under certain circumstances, in lieu of enlisted caretakers heretofore authorized, was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 1, to strike out

the comma after the word "lieutenant" and the words "and that," and to insert after the word "further," in line 2, the word "that," so as to make the bill read:

*Be it enacted, etc.,* That the second proviso of section 90 of the national defense act, as amended by the act approved May 28, 1926 (44 Stat. 673-674), be, and the same is hereby, amended so as to read: "Provided further, That in each heavier-than-air squadron one caretaker may be a commissioned officer not above the grade of first lieutenant: And provided further, That in any organization whenever it shall be found impracticable to secure the necessary competent caretakers for the materials, animals, armament, or equipment thereof from the personnel of such organization, the organization commander may employ civilians for any or all except one of the caretakers authorized for the organization, and such civilians shall be entitled to such compensations as may be fixed by the Secretary of War."

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, the present law requires that a certain proportion of the caretakers shall be men enlisted in these military organizations. In some of the organizations it is found impossible to get men who can give all of their time to the care of the animals, and it is necessary to hire caretakers at a low rate of pay. The rate of pay is fixed by regulation, and an appropriation is made separately each year in the Army appropriation bill to pay these caretakers. This simply authorizes what many organizations now are doing out of their own pockets. It allows all of the caretakers, save one, to be engaged from civilians, instead of their being enlisted men.

Mr. KING. I notice that it requires that there shall be at least one officer of the grade of lieutenant, or above. Is that important?

Mr. REED of Pennsylvania. That is in the present law, and that is in connection with taking care of airplanes. The first proviso is in the present law. The second proviso relates to organizations employing animal-drawn equipment. The reason why the commissioned officer is required in heavier-than-air outfits is because there is so much fragile material belonging to the Government. It requires great care.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### CAPT. GEORGE E. KRAUL

The bill (H. R. 3510) to authorize the President, by and with the advice and consent of the Senate, to appoint Capt. George E. Kraul a captain of Infantry, with rank from July 1, 1920, was considered as in Committee of the Whole.

The bill had been reported by the Committee on Military Affairs with an amendment, on page 1, line 3, after the word "That," to insert the words "in order to rectify an admitted error of the War Department in the computation of commissioned service," and a comma, so as to make the bill read:

*Be it enacted, etc.,* That, in order to rectify an admitted error of the War Department in the computation of commissioned service, the President of the United States be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, George E. Kraul a captain of Infantry in the Regular Army of the United States, with rank from July 1, 1920: *Provided,* That no back pay or allowances shall accrue as a result of the passage of this act, and there shall be no increase in the total number of captains of the Regular Army now authorized by law by reason of the passage of this act.

Mr. REED of Pennsylvania. Mr. President, I would like to say a word about this bill. The committee has definitely set its face against putting any man into the Army by private bill. This bill is an exception, as appears by the amendment, because of a clerical error of the clerk in The Adjutant General's office who calculated the length of this man's commissioned service for the purpose of determining his place on the promotion list. Captain Kraul is now in the Army. It does not add any officer, but simply puts Captain Kraul in his admittedly proper place on the list.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### CARLISLE BARRACKS RESERVATION

The bill (H. R. 5635) to amend the act approved June 7, 1924, authorizing the Secretary of War to sell a portion of the

Carlisle Barracks Reservation was considered as in Committee of the Whole.

Mr. REED of Pennsylvania. Mr. President, under a law we passed in 1924, the Secretary of War was authorized to sell certain land and use the proceeds from the sale for buying two other tracts. The proceeds were not enough to buy both tracts, and this changes the law simply to enable him to buy one, but no authorization is given to buy any other.

Mr. McKELLAR. Mr. President, I want to remark in passing that it seems to me that giving to the Secretary of War or to any other executive officer of the Government the right to sell property, and then with the proceeds buy other property, is a very bad practice. We should always cover the money into the Treasury, and make an appropriation for the purchase of the property we desire to buy.

Mr. REED of Pennsylvania. I agree with the Senator, and if the law did not already read that way, I would ask to have the sale and purchase separately authorized. I think that ought to be done.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### AMENDMENT OF NATIONAL DEFENSE ACT

The bill (S. 1823) to amend section 2 of the act approved June 6, 1924 (43 Stat. L. 470), entitled "An act to amend in certain particulars the national defense act of June 3, 1916, as amended, and for other purposes," was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with an amendment, on page 2, line 5, after the word "arms," to insert a colon and the following proviso: "Provided, That not more than 5 per cent of the total commissioned strength of the Army shall be so excepted at any one time," and a semicolon.

The amendment was agreed to.

Mr. REED of Pennsylvania. Mr. President, this is intended to amend the Manchu law. The Manchu law, as the Senate will remember, is that which is designed to prevent staff officers holding staff positions throughout their whole military career, out of touch with troops. The present law requires that every officer shall spend a certain part of each four years of service on duty with troops, so that every staff officer has a taste of field service. That is all right and the committee does not propose to change it, nor does the War Department ask us to do so; and it will be found on looking at this bill that it does not propose to change that practice with regard to general staff officers.

There are other officers, however, who are covered by the general wording of the law whose work is seriously interrupted. For example, in the Chemical Warfare Service there are a large number of technical experimenters at work. To take them away from their laboratories and send them out with troops interrupts their work, and it does the Government no good.

Mr. McKELLAR. Mr. President, would it not mean the teaching of other officers to perform those particular duties? It seems to me that the Manchu law has been of the greatest value to the Army. The Senator will not recall, perhaps, but some time before the late war there was a large accumulation of officers principally here in Washington. It almost became a scandal in the Army, and it brought about the passage of the Manchu law. I think we ought to conform to that law. I believe that officers of the Army should be required to serve with troops, certainly once in every four years. I doubt the wisdom of this bill and hope the Senator will let it go over, so that we may look into it.

Mr. REED of Pennsylvania. I will be very glad to let it go over, and we can discuss it more fully.

Mr. ROBINSON of Arkansas. Before it is passed over, Mr. President, let me ask if the changes in existing law as provided in this bill are confined to such persons in such technical service as is suggested by the Senator from Pennsylvania.

Mr. REED of Pennsylvania. The bill would apply to all officers except those in the General Staff Corps. The exception is shown on page 1. I do not mean to press the bill now. I am going to ask that it go over, but let me give the Senator an illustration.

In France the head of the Graves Registration Service was an officer who had been in France for three years, who knew the ground thoroughly, who had learned to speak French fluently, who had all the problems at his finger tips, so that he could almost tell in what part of any cemetery any man was buried. He was taken away, brought back here to serve with troops as the result of the Manchu law, and we had to send an officer to take his place, who, in the nature of things, would not have any of that information. It seriously impeded the

work, and cost the Government money. That is the theory of the department in asking for the legislation.

Mr. McKELLAR. But, instead of having one officer who could do that particular work, when there was a change made, at the end of the third year, we would have another officer who could do the work. It cuts both ways, and taking it by and large, I am constrained to believe that it is of immense value to the Army to have its officers serve with troops at least every four years.

Mr. REED of Pennsylvania. I agree with the Senator about the value of the Manchu law in general. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

#### WITHHOLDING OF PAY OR ALLOWANCES IN THE MILITARY SERVICE

The bill (S. 1830) to authorize the Secretary of War to withhold pay or allowances of any person in the military service to cover indebtedness due the United States or its military agencies or instrumentalities was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments. The first amendment was, on page 1, line 4, to strike out "him" and insert "them."

The amendment was agreed to.

Mr. JONES. Mr. President, may I ask the Senator if the word "respectively" should not come after the word "them"? It does not mean that these regulations shall be made jointly by the Secretaries of War and Navy?

Mr. REED of Pennsylvania. I think that amendment would be appropriate.

Mr. JONES. I suggest that amendment.

Mr. REED of Pennsylvania. This bill is made necessary by a recent decision of the courts, which changed the practice of a hundred years in both the Army and the Navy. Always before if an officer were indebted to the Government, the amount of his indebtedness was deducted from his pay. Now, for the first time in a century, it has been held that the law gives us no right to do that.

Mr. ROBINSON of Arkansas. Does the Senator mean that that is a ruling of the Comptroller?

Mr. REED of Pennsylvania. No; a decision of the courts.

Mr. McKELLAR. Of the Supreme Court?

Mr. REED of Pennsylvania. Yes; of the United States Supreme Court.

Mr. JONES. I offer an amendment. I move after the word "them" to insert the word "respectively."

Mr. McKELLAR. Where?

The PRESIDING OFFICER. The clerk will state the amendment.

The CHIEF CLERK. On page 1, line 4, after the committee amendment, insert the word "respectively," so that it will read "by them respectively."

The amendment was agreed to.

Mr. ROBINSON of Arkansas. Does that mean that each secretary may prescribe rules, independent of the rules prescribed by the other?

Mr. JONES. I think so. They deal with their own departments.

Mr. REED of Pennsylvania. Each would prescribe the regulations for his own department.

The PRESIDING OFFICER. The clerk will state the next amendment of the committee.

The CHIEF CLERK. On page 1, after the word "War," insert the words "or the Secretary of the Navy"; on the same page, line 7, after the word "military," insert the words "or naval"; on page 2, line 3, after the word "Army," insert the words "or Navy"; and on line 7, after the word "War," insert the words "or the Secretary of the Navy."

The amendments were agreed to.

Mr. JONES. Mr. President, I want to ask the Senator this question: We passed a bill a short time ago dealing with indebtedness of members of the Army. Does not this modify that?

Mr. REED of Pennsylvania. That dealt with the indebtedness of enlisted men. This relates to officers.

Mr. JONES. This says "any person in the military service." It seems to me this covers privates as well as officers.

Mr. REED of Pennsylvania. The two would be considered together. I suppose the reason why the word "persons" is put in is for the purpose of covering warrant officers, nurses, and other persons of that character. The use of the word "officer" would not be quite broad enough. The other measure covers enlisted men.

Mr. JONES. This bill would not be considered as modifying the other measure to that extent? This may become a law after the other becomes a law.

Mr. REED of Pennsylvania. Yes; that would be true, because the other, as I recall it, is a House bill. I suggest that we let this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### SECRET MILITARY MATERIAL

The bill (S. 1831) to authorize the Secretary of War and the Secretary of the Navy to class as secret certain material, apparatus, or equipment for military and naval use was announced as next in order.

Mr. MCKELLAR. Mr. President, will not the Senator explain the bill?

Mr. REED of Pennsylvania. In the first place, the committee was unwilling to give that authority to the Secretary of War or to the Secretary of the Navy. We believed that if it was to be given to anyone, it ought to be given to the President himself. Therefore the amendments which the Senator sees in the bill.

There are a number of military secrets in all armies that have to be exposed if the goods which they cover are bought on specifications and by open bidding. To give a good illustration, the eyepieces of the German gas masks in the last war were made of some material, or in some such way, that they would not get dim from the moisture of one's breath. Nobody during the war could learn how those were made. If the United States makes an invention like that, in order to get the articles manufactured and to purchase them from the lowest bidder it has to advertise its specifications, and the moment it does so, the military value of the invention is gone.

There are not many things of that sort, a few of the fire-control instruments, perhaps, and some of the Signal Corps apparatus, and a few tricks they have in aviation, not many; but it is desirable that we shall keep them secret if we can. The discretion ought to be in the President; not in any subordinate officer.

Mr. LA FOLLETTE. Mr. President, I ask that the bill may go over.

Mr. MCKELLAR. Before it goes over, may I call the attention of the Senator from Pennsylvania to the fact that the language used in the bill is very broad, being "any material, apparatus, or equipment for military or naval use." That would include everything, and I was wondering if some limitation could not be made. I merely make the suggestion. I hope the Senator will consider it when the bill comes up again.

Mr. ROBINSON of Arkansas. May I suggest to the Senator in the same connection that the language he has quoted is modified by that which follows, "or equipment for military or naval use which is of such a nature that the interests of the public service would be injured by publicly divulging information concerning them," and so forth.

Mr. MCKELLAR. Yes; that is true, but still it is very broad.

The PRESIDING OFFICER (Mr. WILLIS in the chair). The bill goes over, under objection.

#### BILL PASSED OVER

The bill (S. 1838) to amend section 110 of the national defense act by repealing and striking therefrom certain provisions prescribing additional qualifications for National Guard State staff officers, and for other purposes, was announced as next in order.

Mr. REED of Pennsylvania. I ask that the bill may go over, some Senators wish to consider it further.

The PRESIDING OFFICER. The bill will be passed over.

#### WAR DEPARTMENT MEDALS AND BADGES

The bill (H. R. 8309) to amend an act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923, was considered as in Committee of the Whole.

Mr. ROBINSON of Arkansas. Mr. President, may we have an explanation of the reason for the bill?

Mr. REED of Pennsylvania. The only need for it is to make it an offense to wear the distinguished flying cross, a decoration which has been authorized since the passage of the original act of 1923. The flying cross was not included in that act because it did not then exist. This bill modifies it only to insert those words, but the bill as it passed the House put the soldier's medal ahead of the flying cross. The amendment made in our committee merely reverses the order in which the words occur.

Mr. ROBINSON of Arkansas. Does not the Senator think the language should be "any person who knowingly offends against the provisions of this section"?

Mr. REED of Pennsylvania. I had not paid attention to that because it is the old law. I agree with the Senator that the word "knowingly" might well be inserted.

Mr. ROBINSON of Arkansas. It seems to me under that provision a gallant young flyer who permitted his sweetheart to wear his medal might suffer the painful embarrassment of having her fined \$250.

Mr. REED of Pennsylvania. Whereas the fine ought to be paid by him?

Mr. ROBINSON of Arkansas. Whereas there ought not to be any fine at all in such a case.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 10, to strike out the words "soldier's medal," and on page 2, line 1, after the word "cross" to insert the words "soldier's medal."

The amendments were agreed to.

Mr. REED of Pennsylvania. I move to amend by inserting on page 2, line 11, after the word "who," the word "knowingly."

The PRESIDING OFFICER. The amendment will be stated. The CHIEF CLERK. On page 2, line 11, after the word "who," insert the word "knowingly," so as to make the bill read:

*Be it enacted, etc.,* That the act entitled "An act to prohibit the unauthorized wearing, manufacture, or sale of medals and badges awarded by the War Department," approved February 24, 1923 (sec. 1425, title 10, U. S. Code), be amended so as to read as follows:

"That hereafter the wearing, manufacturing, or sale of the Congressional Medal of Honor, distinguished-service cross, distinguished-service medal, distinguished-flying cross, soldier's medal, or any other decoration or medal which has been, or may be, authorized by Congress for the military forces of the United States, or any of the service medals or badges which have been, or may hereafter be, awarded by the War Department, or the ribbon, button, or rosette of any of the said medals, badges, or decorations, of the form as is or may hereafter be prescribed by the Secretary of War, or of any colorable imitation thereof, is prohibited, except when authorized under such regulations as the Secretary of War may prescribe.

"Any person who knowingly offends against the provisions of this section shall, on conviction, be punished by a fine not exceeding \$250 or by imprisonment not exceeding six months, or by both such fine and imprisonment."

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### CONSTRUCTION AT WEST POINT

The bill (H. R. 9202) to authorize construction at the United States Military Academy, West Point, N. Y., was considered as in Committee of the Whole.

The bill had been reported from the Committee on Military Affairs with amendments, on page 1, line 3, after the word "authorized," to strike out the words "the razing of the old cadet mess hall at the United States Military Academy, West Point, N. Y., and," and in line 6, after the word "barracks," to insert the words "at the United States Military Academy, West Point, N. Y.," so as to make the bill read:

*Be it enacted, etc.,* That there is hereby authorized the construction of a new cadet barracks at the United States Military Academy, West Point, N. Y., at a total cost of not to exceed \$825,000: *Provided,* That the Superintendent of the United States Military Academy, West Point, N. Y., with the approval of the Secretary of War, is authorized to employ architects to draw the necessary plans and specifications from funds herein authorized, when appropriated.

The amendments were agreed to.

Mr. KING. Mr. President, I recall that a few years ago we made very liberal appropriations for West Point and it was stated then, as I recall, that ample provision had been made for the institution for many years. Why is it that so large an appropriation is now required?

Mr. REED of Pennsylvania. Because of the increase in the number of officers in the Army and a consequent increase in the number of cadets at the academy. Congress has recently authorized a further increase to take care of the sons of soldiers of the World War who were killed. The Congress has already authorized the razing of the old mess hall and has appropriated \$135,000 for the purpose. That building is to be replaced by the new cadet barracks and the appropriation of \$135,000 authorized the preparation of the plans for the new barracks. We were unwilling to go further than that in the appropriation bill this year. It was not necessary to appropriate the balance of the money. That is why in the appropriation bill, as in the housing bill which we passed, we declined to include the cost of building the new barracks.

Mr. JONES. Mr. President, can the Senator tell me how many cadets the proposed new barracks will care for?

Mr. REED of Pennsylvania. I can read that from the report, if the Senator please:

The present barracks facilities provide for the accommodation of 875 cadets. As a result cadets are living three in a room designed for two. The crowded conditions interfere with studies and are unhealthy and uncomfortable. To adequately care for 1,200 cadets, another barracks to accommodate 325 cadets (or 163 rooms, the equivalent of a little more than 10 of the present divisions) is required as soon as possible.

Mr. JONES. Is it expected to increase the membership at West Point to 1,200?

Mr. REED of Pennsylvania. The membership of West Point is now authorized at 1,200.

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### ANNIVERSARY OF DISCOVERY OF HAWAIIAN ISLANDS

The bill (H. R. 81) to authorize the coinage of silver 50-cent pieces in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, was considered as in Committee of the Whole, and was read, as follows:

*Be it enacted, etc.,* That in commemoration of the one hundred and fiftieth anniversary of the discovery of the Hawaiian Islands by Capt. James Cook, and for the purpose of aiding in establishing a Capt. James Cook memorial collection in the archives of the Territory of Hawaii, there shall be coined in the mints of the United States silver 50-cent pieces to the number of 10,000, such 50-cent pieces to be of a standard troy weight, composition, diameter, and design as shall be fixed by the director of the mint and approved by the Secretary of the Treasury, which said 50-cent pieces shall be legal tender in any payment of their face value.

Sec. 2. The coins herein authorized shall be issued only upon the request of the Cook Sesquicentennial Commission of Hawaii and in such numbers and at such times as they shall request upon payment by such commission to the United States of the par value of such coins.

Sec. 3. All laws now in force relating to the subsidiary silver coins of the United States and the coining or striking of the same, regulating and guarding the process of coinage, providing for the purchase of material, and for the transportation, distribution, and redemption of the coins, for the prevention of debasement or counterfeiting, for security of the coin or for any other purpose, whether said laws are penal or otherwise, shall, so far as applicable, apply to the coinage herein authorized: *Provided*, That the United States shall not be subject to the expense of making the necessary dies and other preparation of this coinage.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### REIMBURSEMENT TO STATE OF NEVADA

The joint resolution (S. J. Res. 41) directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the Judiciary with an amendment to strike out all after the resolving clause and insert:

That the Comptroller General of the United States is authorized and directed to reopen, restate, and resettle the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement and resettlement (1) to assume the balance due the State of Nevada on January 1, 1900, as being correctly stated in the account set forth in the reports of the Secretary of the Treasury printed in House Document No. 322 and Senate Document No. 441, Fifty-sixth Congress, first session; (2) to add to such balance the interest certified by the Governor and the Comptroller of the State of Nevada as actually paid by said State from January 1, 1900, to the date of the approval of this joint resolution, in the principal sums so advanced and expended; and (3) after deducting the amounts repaid by the United States to the State of Nevada since January 1, 1900, to certify to Congress for an appropriation the balance found due the State of Nevada.

Mr. PITTMAN. Mr. President, I wish to say that the joint resolution provides that the Comptroller General shall readjust the account between the State of Nevada and the United

States for expenditures made by that State during the Civil War in the raising of ample troops to keep open the Overland Trail during that war. The request was made in 1861 under the act of 1861. Nevada at that time called for volunteers under the Territorial act, and enlisted 1,180 men. She spent a total sum of \$109,000 in that matter. She has only been paid the sum of \$22,000 since that time. The Territory borrowed the money to raise the troops and had to pay interest on it. The Territorial act authorizing the enlistment and pay of such volunteers was approved by Congress. When the State came into the Union in 1864 under the enabling act it had to assume the debts of the Territory. It assumed this debt and issued its bonds in payment of it.

The bonds have never been paid off and are still drawing interest, although legislation affecting the matter has passed the Senate five separate times, but was not acted upon in the House.

The situation is that the matter was adjusted up to 1890. In 1890 a similar measure was passed calling upon the Comptroller General to adjust the account. The final statement of his adjustment was as follows:

Total paid by the State for which no reimbursement has been made, \$462,441.97.

We want the adjustment brought up to date from that time. Mr. ODDIE. Mr. President, I hope the joint resolution will pass. It is exceedingly just. The Judiciary Committee have approved it unanimously and it should be followed by a measure at a later time making the necessary appropriation.

Mr. JONES. Mr. President, I want to ask the Senator from Nevada if the language "certified to Congress for an appropriation of the balance found due to the State of Nevada" is sufficient authorization for an appropriation?

Mr. PITTMAN. It is not, although it anticipates an appropriation. That is the reason why the joint resolution went to the Committee on the Judiciary. It was first taken up by a subcommittee of which the Senator from Colorado [Mr. WATERMAN] was chairman, and then went to the full committee and received a unanimous report.

Mr. JONES. I wonder if the Senator from Nevada would have any objection to making it read, "certify to Congress the balance found due the State of Nevada, and appropriation for the same is hereby authorized"?

Mr. PITTMAN. I do not ask that that language be inserted at this time, for I am satisfied Congress will appropriate the money to settle the account as adjusted in accordance with this resolution, and this is the regular form.

Mr. JONES. Very well. The PRESIDING OFFICER. The question is on agreeing to the amendment of the Committee on the Judiciary.

The amendment was agreed to. The joint resolution was reported to the Senate as amended, and the amendment was concurred in.

The joint resolution was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. PITTMAN subsequently said: Mr. President, I ask unanimous consent that in connection with the passage of Senate Joint Resolution 41, following its passage there be printed in the RECORD the report of the committee, which is very short, and statements before the Judiciary Committee, by Mr. Frank Norcross and Mr. Charles J. Kappler in reference to the matter, which I hand to the clerk.

There being no objection, the report and statements were ordered to be printed in the RECORD, as follows:

[S. Rept. No. 433, 70th Cong., 1st sess.]

#### REIMBURSEMENT OF NEVADA

Mr. WATERMAN, from the Committee on the Judiciary, submitted the following report, to accompany Senate Joint Resolution 41:

The Committee on the Judiciary, to which was referred the resolution (S. J. Res. 41) directing the Comptroller General of the United States to reopen, readjust, and resettle the account between the State of Nevada and the United States, reports the same favorably to the Senate and recommends that the resolution do pass with the following amendment:

Strike out all of that part of the resolution after the resolving clause and insert in lieu thereof the following:

"That the Comptroller General of the United States is authorized and directed to reopen, restate, and resettle the account of the State of Nevada for moneys advanced and expended in aid of the Government of the United States during the War between the States, and on such restatement and resettlement (1) to assume the balance due the State of Nevada on January 1, 1900, as being correctly stated in the account set forth in the reports of the Secretary of the Treasury printed in House Document No. 322 and Senate Document No. 441, Fifty-sixth Con-

gress, first session; (2) to add to such balance the interest certified by the Governor and the comptroller of the State of Nevada as actually paid by said State from January 1, 1900, to the date of the approval of this joint resolution, on the principal sums so advanced and expended; and (3) after deducting the amounts repaid by the United States to the State of Nevada since January 1, 1900, to certify to Congress for an appropriation the balance found due the State of Nevada."

The joint resolution has for its ultimate purpose the reimbursement of the State of Nevada for moneys actually advanced and expended on account of debts and obligations contracted by the Territory of Nevada at the request of the United States and assumed by the State at the time of its admission into the Union, in raising, equipping, and compensating soldiers called into the service of the United States during the years 1863 to 1865, inclusive, for the purpose of guarding and keeping open the Overland mail and emigrant route to the Pacific coast.

#### FACTS OF THE CASE AS DISCLOSED BY VARIOUS OFFICIAL REPORTS

In pursuance of the act of Congress of March 3, 1899 (30 Stat. 1206), referred to in the joint resolution, the Secretary of the Treasury was directed—

"to investigate and report to Congress \* \* \* the amount furnished by said State of Nevada or by the Territory of Nevada and assumed by said State \* \* \* with such interest on the same as said State has actually paid, together with what amounts have been heretofore paid by the United States."

The Secretary of the Treasury, on January 19, 1900, in compliance with said act, transmitted "a statement of the case made by the Auditor of the War Department" of date January 18, 1900, from which it appears that with interest paid by the State to December 31, 1899, there remained "the sum of \$462,441.97 for which the State has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.) In a subsequent report under the same act of Congress the Secretary corrected the balance due theretofore given, showing the sum of \$439,222.72 due the State instead of \$462,441.97. (S. Doc. 441, 56th Cong., 1st sess.) The State has never been reimbursed in this amount, or any material portion thereof, but whatever sums have been paid will, after including interest paid by Nevada to date, be deducted by the Comptroller General in adjusting and settling the account under Senate Joint Resolution 41, with the statement of the Secretary of the Treasury of January 19, 1900, as modified June 4, 1900, forming the basis of calculation.

The Senate in the Fiftieth, Fifty-first, Fifty-third, Fifty-fifth, and Fifty-sixth Congresses passed measures for the reimbursement of Nevada for such expenditures, and it would seem to be committed by vote and by sentiment to the payment of the same. Committees of the House have invariably reported favorably. (Hearings, p. 30.)

The Territory of Nevada was created by act of Congress March 2, 1861 (12 Stat. 210), embracing a very large portion of what was then known as the Great American Desert, in which had been discovered extremely valuable gold and silver mines and across which the Overland mail and emigrant route extended for nearly 500 miles.

The exigency of the situation then existing is illustrated by the following excerpt from one of numerous calls made upon the Territory by the commanding general of the Pacific to furnish troops in an emergency:

[Hearings, pp. 17, 18, and S. Rept. No. 1286, 50th Cong., 1st sess.]

The Indian disturbances along the line of the Overland mail route, east of Carson City, Nevada Territory, threaten the entire suspension of our mail facilities as well as preventing any portion of the vast immigration approaching from the East reaching Nevada. \* \* \* My force immediately available on that line is small. It is impossible for us at this moment to purchase horses and equipment. Each man would have to furnish his own. \* \* \* Even one company will be accepted.

G. WRIGHT,

*Brigadier General, United States Army, Commanding.*

The Territorial legislature adopted "An act to encourage enlistments and give bounties and extra pay to our volunteer soldiers," approved February 20, 1864. It was under this act that most of the enlistments going to make up the regiment of Cavalry and a battalion of Infantry furnished by the Territory, in all, 1,180 men, were secured and the debt, later assumed by the State, contracted. The so-called "bounties" consisted of \$10 per recruit allowed to captains of companies in lieu, and the "extra pay" of \$5 per month to soldiers in addition to the Army pay. The Territory was without money and authorized a bond issue for the purpose.

A board of Army officers appointed under the act of Congress approved June 27, 1882 (22 Stat. 111), reported that the so-called "bounty" pay to captains was for "enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service in lieu, \* \* \* and, under the circumstances, this expense was economical." Concerning the so-called "extra pay" they reported: "We are decided in the conviction \* \* \* that the legislature was mainly instigated by a desire to do a plain act of justice \* \* \* by placing them on the same footing, as regards compensation \* \* \* their compensation from all sources did not exceed, if indeed was equal

to, the value of the money received as pay by the troops stationed elsewhere." (Hearings, p. 23.)

Notwithstanding the facts, the board of Army officers, as has the Court of Claims (45 C. Cls. 264), felt compelled, while recognizing the equity of Nevada's case, to deny reimbursement because of the use by Nevada of the expression "bounty and extra pay," terms which did not correctly set forth the true nature of the payments intended to be made.

The act of Congress creating the Territory of Nevada provided that copies of all acts of the legislature must be submitted to Congress. Congress interposed no objection to the act creating this debt. (Hearings, p. 24.)

The Journals of the Senate and House of Representatives show that the Territorial act providing for extra pay to the Nevada volunteers was forwarded to Congress, laid before each House, and referred to the Committee on Territories. Congress, though it had the power to disapprove said act, did not so disapprove; although on another occasion in 1863 Congress passed an act expressly nullifying section 24 of the Nevada Territorial act relating to corporations. Had Congress disapproved of the extra pay it would therefore have so declared by an act. By approving said Territorial act Congress accepted said Territorial act as a modification of the act of 1861 and the regulations made thereunder, so far as Nevada alone was concerned, and thereby made such extra pay here in dispute valid. These important facts were not presented to the Army officers or the Court of Claims; if they had been, said Army officers and the court would, instead of rigidly adhering to the act of 1861 and the regulations, undoubtedly have rendered a favorable decision. In any event, it is now proven for the first time that such extra pay was made by the Territory of Nevada with the approval of Congress.

#### CONDITIONS PREVAILING IN NEVADA TERRITORY IN 1863-64

On March 21, 1864, Congress, for national purposes, passed an enabling act authorizing the people of the Territory of Nevada to adopt a constitution and be admitted into the Union as a State at a time when the people were wholly unprepared, from population, taxation, resource, and financial standpoints, to assume the burdens of statehood. This will be more fully realized when it is remembered that at such time, namely, in 1863 and 1864, the Territory of Nevada embraced a large desert and mountainous area with a limited population perhaps of not more than 15,000 persons. The inducement to go into that region was the discovery of rich mines on what is known as the Comstock lode. Men were scarce, and under the existing law of supply and demand the wages of labor and prices of supplies in Nevada were necessarily greatly in excess of those prevailing in other sections of the country. There were no regular United States troops operating in that vast desert region. Such United States troops as had been stationed in the far West had been transferred east during the early part of the war, and for such reason volunteers were called for from that locality, where hostile Indians abounded and who interfered with the overland route from Salt Lake City to San Francisco.

The cost of living and wages of labor in Nevada during the War between the States were from 50 to 100 per cent higher than in the Atlantic States. Under such extreme conditions prevailing it was found necessary by the Territory of Nevada, acting under the advice of the Army officers, to pass acts providing for the payment of \$10 per recruit to captains and \$5 per month to soldiers in addition to the regular Army pay, as an inducement to secure speedy enlistments of men to fight the Indians on the desert and in the mountains, incited to hostilities by the general war conditions prevailing, and of course partially to cover the high cost of living.

It may here be added that had not the patriotic impulses of the people of the Territory of Nevada been most fervent in behalf of the Union, as the record shows they were, it is doubtful if, under the conditions prevailing in Nevada at that time, and in fact, upon the whole Pacific coast, it would have been possible to have obtained the enlistment of men for the United States Army service against the Indians to guard the overland route where men were readily employed in the mines at wages ranging from \$5 to \$10 per day in gold.

The conditions existing in such Territory at that time can be appreciated when we find that the Quartermaster General estimated the cost of a bushel of corn purchased at Fort Leavenworth, Kans., and delivered at Salt Lake City, Utah, was \$17 a bushel. (Report Secretary of War, 1865-66, pt. 1, pp. 23-112; also report General Halleck to Secretary of War, dated October 18, 1866; War Department Annual Report, 1866, pp. 31-32.)

To understand the conditions in Nevada at that time it must be borne in mind that there were no railroads crossing the continent at that period. The Panama and Cape Horn routes had been closed, and snows on the Sierra Nevada Mountains blocked for eight months in the year travel from the Pacific coast to the interior.

The great Comstock mines, then the greatest gold and silver producers in the world, were supplying their resources for the support of the Government, and there was only one trail that could be kept open, and that was the overland trail through Nevada.

Out of its population of 15,000 persons over 1,100 volunteered. They abandoned from \$5 to \$10 a day in the mines and suffered hard-

ships as no other soldiers ever suffered. They supplied their own horses and equipment and lived as best they could. They kept the communication open in the face of numerous and severe Indian wars.

#### CONGRESS ESTOPPED FROM DENYING RELIEF

Technically, it has been construed that the Federal law allows no bonus to soldiers. What inducement was there in the sum of \$10 for officers for each recruit, which sum was expended for enlisting, lodging, and subsisting the men prior to entering United States service, in lieu, and \$5 a month for privates? These sums were not a bounty; they were only essential as increased pay to permit soldiers and officers to exist under the laws of supply and demand prevailing in the Territory in 1863 and 1864, and so the Army board found. Congress, which passed upon the acts of the Territory, found no objection to this extra pay, although Congress had a right to refuse to ratify it. Congress is now and ever since has been estopped from denying reimbursement after it forced the admission of the Territory of Nevada into the Union under the condition that it should assume such obligations incurred by the Territory, and in view of the fact Congress approved the Territorial act providing for extra pay.

#### HISTORICAL FACTS COVERING NEVADA STATEHOOD

Charles A. Dana, then Assistant Secretary of War, is authority for the statement, undoubtedly true, that the administration of President Lincoln—

"had decided that the Constitution of the United States should be amended by the adoption of the thirteenth amendment. \* \* \* It was believed that such an amendment would be equivalent to new armies in the field, that it would be worth at least a million men. \* \* \* When that question (ratification) came to be considered \* \* \* one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose." (Dana's Recollections of the Civil War, p. 174.) (Hearings, p. 16.)

The State being thus practically forced into the Union for national reasons was bound to assume and discharge the debts contracted by the officers of the Territory, all of whom were appointed by and in the pay of the General Government and, in fact, were officers thereof. It did so as part of its constitution, which was approved by President Lincoln. The response of the people of the Territory to the call of Congress had also the effect of shifting the burden of the cost of its government from the Nation to the State, which effected a saving to the General Government many times greater than all the debts and obligations for war purposes paid by the State and for which the State now seeks reimbursement.

#### STRICT CONSTRUCTION OF ACTS AGAINST NEVADA

While the construction placed on the acts of Congress by the board of Army officers and the Court of Claims was unquestionably rigid and strict instead of liberal, as later held, they should be construed by the Supreme Court in *New York v. United States*, (160 U. S. 598) deemed necessary, perhaps, because of their general application, still such construction as applied to the peculiar and unusual conditions prevailing at the time in Nevada could not do otherwise than produce and effect an injustice calling for relief. Likewise the board of Army officers, due to their rigid construction, held that interest on money borrowed by a State for the common defense could not be allowed, yet the Supreme Court, in *New York v. United States*, supra, held interest so paid as a proper charge and cost.

The statement made by Congressman UNDERHILL, of Massachusetts, chairman of the House Committee on Claims while the claims bill, H. R. 9285, was under consideration January 30, 1928 (CONGRESSIONAL RECORD, 70th Cong., p. 2187), aptly applies to what should have been done in the Nevada case, which we here quote with approval:

"Many of the reports from the Comptroller General are based on a strict interpretation of the letter of the law and technicalities. Of course I would not have the comptroller go against the law, but I think if I were in his place I could stretch my conscience to the extent of finding a reasonable interpretation of the law rather than a strict interpretation of the letter of the law."

#### MORAL OBLIGATION TO REIMBURSE NEVADA

Congress, on July 27, 1861, passed an act entitled "An act to indemnify the States for expenses incurred by them in defense of the United States" (12 Stats. 276), and it is not unlikely that the officials of the Territory, so far from the seat of government, in those extraordinary days construed this act to warrant incurring any debt which circumstances seemed to them to require. As to any regulations made thereunder, it is doubtful if the Territorial officials ever saw them. In any event, the emergency was great and was met, effectually, by means that the board of Army officers conceded were both "economical" and "a plain act of justice." The debt having been contracted by the Territory under an act of its legislature which Congress, having the opportunity, had not objected to, Congress would not only be estopped but would be in honor bound to reimburse the Territory.

When the people of Nevada Territory were, for national exigencies, called upon by Congress to organize a State government, still greater it would seem is the moral obligation resting upon Congress to provide

for reimbursement for debts so required to be assumed and which were incurred in common defense for the benefit of the United States and at its urgent calls. As was said by the Supreme Court of the United States in the sugar bounty cases (*U. S. v. Realty Co.*, 163 U. S. 427):

"That even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an equitable, moral, or honorable nature; that the Nation, speaking broadly, owed a "debt" to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

Under this opinion the bounties were paid.

The reimbursement of Nevada plainly and strongly grows out of "right and justice," and the Senate having heretofore, after exhaustive reports, on five separate occasions, passed measures for payment, your committee concur in such action.

#### SENATE PASSED AMENDMENT FOR PAYMENT

In the Fifty-sixth Congress the Senate committee reported the following amendment to the sundry civil appropriation bill, H. R. 11212:

"To pay the State of Nevada the sum of \$462,441.97 for moneys advanced in aid of the suppression of the rebellion in the Civil War, as found and reported to Congress January 22, 1900, by the Secretary of the Treasury, as provided by the act approved March 3, 1899 (30 Stat. 1206)."

Before the adoption of this amendment the following Senators spoke in support thereof:

"Senator HAWLEY, of Connecticut. There is no sort of question as to its justice.

"Senator HALE, of Maine. The Senate is committed to this State claim, by vote, by sentiment, and it is only a question of time when it will pass.

"Senator TELLER, of Colorado. If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278.)

#### FORMER REPORTS OF THE SECRETARY OF THE TREASURY

The Secretary of the Treasury in his report responding to the act of Congress approved March 3, 1899 (30 Stat. 1206), set forth the actual amounts paid by Nevada and not reimbursed as follows (H. Doc. No. 322, 56th Cong., 1st sess.; S. Doc. 441, 56th Cong., 1st sess.):

Amount of claim of the State of Nevada, including interest up to June 30, 1899 (Report of the Secretary of War, p. 10, S. Ex. Doc. 10, 51st Cong.)	\$412,600.31
Amount of interest paid by Nevada from June 30, 1899, to December 31, 1899	58,401.27
	471,001.58
Amount which the State was reimbursed April 10, 1888, under act of June 27, 1882	8,559.61

Total paid by the State for which no reimbursement has been made

462,441.97

In a subsequent report, printed in Senate Document 441, Fifty-sixth Congress, first session, the Secretary corrected the above amount by deducting the sum of \$23,219.25 paid January 13, 1899, leaving the balance, which had not been reimbursed, \$439,222.72.

On July 1, 1910, under the decision of the Court of Claims and the Comptroller of the Treasury, an additional sum was allowed as interest on the \$8,559.61 amounting to \$12,283.04, leaving a balance due and not reimbursed of \$426,939.68.

In addition there should be added interest on the principal sum from January 1, 1900, to date of passage of the joint resolution.

The object and purpose of Senate Joint Resolution 41 is to direct the Comptroller General of the United States to accept as a basis for calculation the undisputed statement of the Secretary of the Treasury printed in House Document 322, as modified by statement in Senate Document 441, Fifty-sixth Congress, first session, and to add thereto the interest on the principal sum borrowed in aid of the Government paid by the State of Nevada since December 31, 1899; then to deduct from such sum the \$12,283.04 heretofore paid by the United States under the Court of Claims decision, and the balance resulting should be the amount to be submitted by him to the Budget for a proper estimate to Congress in time to be inserted in one of the general appropriation bills.

In view of the fact that the reimbursement of Nevada passed the Senate five times, and on account of the peculiar merit, on the ground of right and justice, such reimbursement possesses, and because Nevada is not asking reimbursement of a penny she has not actually expended in good faith, your committee recommends that Senate Joint Resolution 41 do pass.

#### COMMITTEE ON THE JUDICIARY, UNITED STATES SENATE,

Wednesday, January 25, 1928.

Senator WATERMAN. Are you ready to proceed, gentlemen?

Mr. NORCROSS. Before I make my statement I wish to offer a memorial by T. B. Balzar and Morley Griswold, governor and lieutenant

governor and adjutant general, respectively, and various State officials, which was passed by the Legislature of the State of Nevada, for the record.

Senator WATERMAN. It may go in as part of the record.

The paper referred to is as follows:

**A MEMORIAL FOR THE REIMBURSEMENT OF THE STATE OF NEVADA FOR EXPENDITURES MADE IN AID OF THE GOVERNMENT OF THE UNITED STATES DURING THE WAR BETWEEN THE STATES**

[Extract from the CONGRESSIONAL RECORD, December 15, 1927]

Memorial from the officials of the State of Nevada (the legislature not being in session) asking for the reimbursement of the State for moneys actually advanced and expended by the State in aid of the Government of the United States during the War between the States

**MEMORIAL OF THE STATE OF NEVADA**

To the Senate and House of Representatives of the United States:

Your memorialists, the executive officers of the State of Nevada (the legislature not now being in session), respectfully pray that an appropriation be made to reimburse the State of Nevada for moneys actually expended by the State for costs, charges, and expenses incurred in enrolling, equipping, and compensating her military forces during the Civil War in response to the urgent calls of and under proper requisitions made by the commanding officer of the Military Department of the Pacific, under direct authority of the President and the Secretary of War, upon the understanding that all such costs, charges, and expenses actually incurred in raising troops for the United States would be reimbursed to the State.

The expenditures made by the State of Nevada for and on account of the United States, and at its most urgent call, are set forth by the Secretary of the Treasury pursuant to the act of Congress approved March 3, 1899 (30 Stat. 1206), as follows:

"The amount expended by the State of Nevada, with such interest on the same as the State had paid, between February 10, 1865, and June 30, 1889, amounts in all to the sum of \$412,600.31. \* \* \* From June 30, 1889, to December 31, 1899, the State of Nevada has paid the sum of \$58,401.27 as interest upon money paid by the State in aiding \* \* \* in the Civil War. (The Supreme Court of the United States in the New York case (160 U. S. 598) held interest paid by the State on borrowed money a proper cost or charge.) \* \* \* The total amount expended by the State of Nevada or by the Territory of Nevada and assumed by said State, with such interest on the same as the said State has actually paid, amounts to \$471,001.58. \* \* \* The sum of \$8,559.61 was allowed and paid the State of Nevada. \* \* \* This amount, deducted from the total paid by the State of Nevada, leaves the sum of \$462,441.97 for which the State has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.)

No part of the sum actually expended has been reimbursed the State of Nevada other than the small amount credited, although the costs, charges, and expenses, including interest, incurred by other States in aid of the Government during the Civil War have been paid said States.

The State of Nevada is in urgent need of the sum due her from the United States, and your memorialists believe that if the attention of Congress is again invited to this matter it will appreciate the justness of her request for reimbursement.

Your attention is respectfully called to a few salient facts. The Territory of Nevada was created by act of Congress approved March 2, 1861. It embraced a generally mountainous and desert region of nearly 100,000 square miles and comprised a then population, exclusive of Indians, of but approximately 15,000. A Territorial government was made necessary by the then recent discoveries of great gold and silver mines. Early in 1861 the Government withdrew all troops from the Pacific coast, excepting one regiment of Infantry and three batteries of Artillery, to guard practically the entire Mexican cession and the Oregon country, nearly one-third of the area of the United States. In 1863, by reason of activities at sea, the ocean route to the Pacific was closed. The overland route was left the only means of communication. This route also was threatened with closure by warring Indians and bandits. The Territory of Nevada was called upon to furnish troops in this exigency. This required money, which the Territorial treasury did not possess. The Territory authorized a bond issue and answered the Government's urgent calls with a regiment of Cavalry and a battalion of Infantry.

The overland route was kept open to California and the Comstock Lode and other Nevada mines were permitted to continue operations. These mines turned into the Treasury of the United States during the years of and immediately following the Civil War \$500,000,000 of gold and silver. On March 21, 1864, just two months after the people of the Territory had overwhelmingly defeated a proposed State constitution, authorized by act of the Territorial legislative council, Congress passed an enabling act and the people of Nevada were asked to assume the obligations of statehood. So important is this matter that we quote from Charles A. Dana, then Assistant Secretary of War, the following excerpt from his book *Recollections of the Civil War*:

"The administration had decided that the Constitution of the United States should be amended so that slavery should be abolished.

This was not only a change in our national policy, it was also a most important military measure. \* \* \* It was believed that such an amendment would be equivalent to new armies in the field—that it would be worth at least a million men. \* \* \* When that question came to be considered, the issue was seen to be so close that one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose."

The author proceeds and quotes President Lincoln, when the question of the vote upon admission was in doubt, as saying:

"Here is the alternative: That we carry this vote or be compelled to raise another million, and I don't know how many more, men, and fight no one knows how long."

The State was morally bound to assume the Territorial debts and obligations. It did so as a part of the Constitution. President Lincoln, with whom Congress alone left the matter, upon receipt of a copy of the Constitution, sent by telegraph, approved the same with that provision.

We call the attention of Congress to the fact that the appropriate committees of both the Senate and House of Representatives have in past years repeatedly made exhaustive investigations of Nevada's war expenditures and have in every instance reported upon the same favorably, and that the Senate on three separate occasions passed measures carrying an appropriation for reimbursement. In this connection we crave the indulgence of the Congress to be permitted to have three distinguished statesmen, among the many who have considered the matter, again speak in behalf of our State:

Senator Hawley, of Connecticut: "There is no sort of question as to its justice."

Senator Hale, of Maine: "The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass."

Senator Teller, of Colorado: "If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, p. 6278.)

It is respectfully submitted, in conclusion, that the conditions under which these expenditures were made were in many respects peculiar to Nevada alone; that the justice of reimbursement has not only been established, but we believe a moral obligation is also involved stronger, if possible, than the mere legality of the obligation; that since reimbursement has been so long delayed it would be but an act of tardy justice to appropriate the sum necessary for such reimbursement at the present session of Congress.

Done at Carson City, State of Nevada, this 5th day of December, 1927.

J. B. BALZAR,

Governor

MORLEY GRISWOLD,

Lieutenant Governor and Adjutant General.

W. G. GREATHOUSE,

Secretary of State.

M. A. DISKIN,

Attorney General.

GEORGE B. RUSSELL,

State Treasurer.

ED. C. PETERSON,

State Comptroller.

GEORGE WATT,

Surveyor General.

WALTER W. ANDERSON,

Superintendent of Public Instruction.

A. J. STINSON,

State Inspector of Mines.

**STATEMENT OF FRANK H. NORCROSS, RENO, NEV.**

Mr. NORCROSS. In the statement that I will make, with respect to the application of the State of Nevada for reimbursement for moneys expended by the State and debts assumed by the State, which were originally contracted for by the Territory of Nevada, I will endeavor to give a general history of the entire matter.

Senator WATERMAN. All of the debts of the Territory and all of the claims which the Territory had against others passed to the State?

Mr. NORCROSS. Yes. The Territory of Nevada was created by an act of Congress, March 2, 1861. The Territory was undoubtedly created as the result of the discovery of the Comstock Lode and the rush of miners to this western country, and undoubtedly also grew out of the political condition then existing on the Pacific coast on account of the breaking out of the Civil War. At that time it was extremely doubtful as to what the attitude of the Pacific coast would be. That is a matter of history, and I will not occupy any time on that.

Senator WATERMAN. Right there; I notice that this resolution says "the amount of money actually advanced and expended by the State of Nevada." Now, none of the moneys were advanced by the State, but were previously advanced by the Territory. Is that right?

Mr. NORCROSS. That is not exactly right. Practically all of the money was paid by the State, but a great portion of the debt was

contracted by the Territorial governor preceding the organization of the State, so that almost the entire amount for which the State asks reimbursement was contracted originally by the Territory, and then, upon the organization of the State government, it was assumed by the State and paid by the State.

Senator WATERMAN. There has never been any question raised with reference to that situation at all?

Mr. NORCROSS. That situation has been covered in various reports of Senate and House committees when this matter was before the Congress a number of years ago and prior to the time the case was before the Court of Claims, although I will explain that a little later.

Senator WATERMAN. I just wanted to get the foundation of this; that is all.

Mr. NORCROSS. The situation which governed the contracting of this debt is substantially this:

In 1863, two years after the organization of the Territory, by reason of the activities at sea, the Panama route to the Pacific and the route via the Horn was closed. The only remaining communication with California and the Pacific coast was the Overland Trail. At that time there were very few United States troops upon the Pacific coast. At the breaking out of the Civil War all of the troops then in California were ordered to the Atlantic coast. There was left but one regiment of Infantry and three batteries of Artillery to guard what was practically the entire Mexican cession alone, so that the situation which arose later made it absolutely necessary to raise additional troops. The breaking out of Indian wars, in the latter part of 1863, threatened the entire closure of the overland route.

General Wright, who was in command of the military on the Pacific, called upon Governor Nye, of the Territory, to raise additional troops, and stated that it would be necessary for the men to provide their own horses and equipment, that he could furnish arms and ammunition, but anything more than this would have to be furnished by the troops.

A few troops were raised prior to the passage of legislation. The legislature—I think it was in the fall of 1863, or early in 1864—passed an act providing for the encouragement of enlistments in the Territorial forces. That act provided for the payment to captains of \$10 per recruit, and for the soldiers \$5 per month, and it was designated in the act as "bonus and extra pay."

This expression has governed the legal questions which have subsequently arisen and were controlling in the decision rendered finally in 1910 by the Court of Claims.

The State government was organized in 1864, but before going into that I will refer briefly to the legal points that have been raised against the reimbursement of Nevada.

As I have stated, the whole objection was based upon the use in the Territorial act of the words "bonus and extra pay," because, as I understand it, the policy of the Government was not to allow what was called the "bonus and extra pay."

It is the contention of the State of Nevada that, as a matter of fact, it was not "bonus and extra pay"; and we think that established by the Board of Army Examiners appointed under an act passed by Congress in 1882 to consider the reimbursement of a number of States, including Texas, California, Oregon, Nevada, Nebraska, and, I think, Colorado also. This Board of War Claim Examiners considered the statement furnished by Nevada for its expenditures in great detail. The report was filed, and it is of record, but the important point in the matter is this, that while the Board of War Claim Examiners, consisting all of Army officers—and, as we contend, unacquainted with the law—took the position that while these expenditures were under the circumstances necessary and, as a matter of actual fact, were not "extra pay," but, nevertheless, because the Territorial act had so declared, that that was controlling upon the board.

That, in substance, is the effect, as I understand it, of the decision of the Court of Claims.

Senator WATERMAN. Let me ask you right there one question, if you will.

Mr. NORCROSS. Yes.

Senator WATERMAN. What is Nevada seeking? Merely a recoupment of this "bonus and extra pay"? Is that the sum and substance of the whole thing?

Mr. NORCROSS. It is the main amount of the original debt. In addition to that, it is asking interest, under the decision of the case of *New York v. United States*, which was appealed from the Court of Claims; and, in fact, the claim of the State of New York was for disbursements during the war.

Senator WATERMAN. Then, so far as the principal sum is concerned, it is "bonus and extra pay"; that is what it is?

Mr. NORCROSS. That is what the Army officers say it is. With reference to the matter of the interest, it is interest that has been actually paid by Nevada on money borrowed in aid of the common defense.

Senator WATERMAN. It is interest actually paid by Nevada on that sum?

Mr. NORCROSS. Yes.

Senator WATERMAN. So they want to be recouped for that interest?

Mr. NORCROSS. Yes.

Senator WATERMAN. In addition to the principal?

Mr. NORCROSS. Yes; the Supreme Court held such interest is part of the principal.

Senator WATERMAN. And they are asking no interest upon the total of that?

Mr. NORCROSS. Oh, no.

Senator WATERMAN. None at all; they are just asking for that which they paid out and nothing more?

Mr. NORCROSS. That is all, just to be reimbursed upon the amount it actually paid out.

Senator WATERMAN. I understand your claim now.

Mr. NORCROSS. Now, briefly, on the merits. The State has always heretofore claimed an absolute legal liability under the original act of Congress of 1861 or 1862, which is general and, of course, applied to the entire country.

Then, also, the act of 1882, which created this Board of War Claims Examiners. That act generally, or the important feature of it, provided this, in substance, that the Board of War Claims Examiners should not make any allowance for any of these States or Territories which would be in excess of the amounts paid to Government troops under a similar condition. Now, it was always the contention of the State of Nevada that under that act the State was at the time entitled to reimbursement. So far as the history of this claim is concerned, that was the position of the Senate, taken on four several occasions, because the Senate on four several occasions passed the act providing for the payment of the full amount of this claim.

Senator WATERMAN. The Senate has four times provided for the payment of this claim; is that right?

Mr. NORCROSS. Yes.

This might be a good place to refer to statements made concerning this matter when it was before the Senate. Here is the statement of Senator Teller, and I am reading from pages 6278 and 6279 of volume 33, part 7, Fifty-sixth Congress, first session, of the CONGRESSIONAL RECORD.

Senator ODDIE. What is the date of that?

Mr. NORCROSS. It is May 31, 1900. Here is the statement of Senator Teller [reading]:

"Mr. President, I just want to say one word about this matter. If there are any claims that are just and proper which the United States ought to pay, this is one of them. It has had all the care and attention it is possible to give a claim. Every dollar of this account has been found by the Treasury Department to be due the State of Nevada. The State has been kept out of it for thirty-odd years, and it is an expenditure that all of the States of the West were compelled to make from time to time. Most of them have been recognized and paid, and there is no reason why this should not be paid. It is as sacred an obligation, in my judgment, as the national bonds, and the conditions are such that everybody knows that the Government can pay it now as well as at any other time. The State of Nevada demands that if the Government is ever to pay it, the thing ought to be paid now."

And then from Senator Hawley, of Connecticut. The statement of Senator Hawley is as follows [reading]:

"Mr. President, I have served a good many years on the Committee on Military Affairs, and at every Congress I have heard this bill discussed from beginning to end. There is no sort of question as to its justice. It is just as much due as your board bill which you pay every month."

And I will read a portion taken from a statement made by Senator HALE, of Maine [reading]:

"I want to say to the Senator from Nevada that I know he is reasonable; that the Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass."

Senator ASHURST, just before you came in I read the statement of Senator Teller, of Colorado. I had just referred to the question of the legality, as the State had heretofore contended, with respect to the disbursements on account of the \$5 per month, so-called extra pay to the troops that were raised, and a \$10 allowance, which was called a "bonus" in the Territorial act, which was given to captains of companies for recruits. The board of Army examiners, consisting of three officers, made an exhaustive examination of all of these accounts, and with respect to the \$5 per month, so-called extra pay, they stated that in view of the high cost of living on the Pacific coast and the tremendous expense of transporting into that section, the extra pay, so called, did not exceed, if indeed it equaled, the pay that was received by soldiers in other parts of the country.

With respect to the \$10 bonus, they made this statement, that it was intended, and actually did cover the expenses of transportation, of recruiting, of subsisting, and lodging, and all of the incidentals which went to prepare a soldier for mustering into the United States service, but concluded that statement with the expression that, as a matter of fact, it was economical, so that upon the strict merits of the matter there was, in fact, no extra pay.

Senator WATERMAN. May I interrupt you right there?

Mr. NORCROSS. Yes.

Senator WATERMAN. Senator ASHURST, as I understand the development up to this time, this "bonus and extra pay," so denominated by

Nevada and provided for by statute, had been repudiated by the board and by the Government up to this time, together also with interest, which, in fact, the Territory and State has paid upon that sum of money so advanced to these soldiers; and, further, that when these men were enlisted they had to outfit themselves, except as to arms and ammunition, and these soldiers went in from Nevada and the State or Territory allowed them this \$15 referred to, and the Government gave them only arms and ammunition, but they had to forage around, or do something to feed themselves and cloth themselves. Is that a correct statement?

Mr. NORCROSS. That is substantially correct. They could not furnish the soldiers with horses or equipment, about which there can be no question. There was a total of 1,180 men finally mustered into the service, and the facts show that those men, in the main, kept open the Overland Trail, which was considered a military necessity, and which, so far as the financial benefit to the country is concerned, tremendous.

At that time, as you gentlemen can yourselves verify in history, the Comstock mine was then the greatest producer of precious metals of any mine in the world, and it is probable that if the Overland Trail had been closed, the mines would have had to follow, because, as shown by reports at that time, the Sierra Nevada Mountains were closed by reason of snows for six months of the year, and a large portion of the supplies were coming from the East.

That was the situation, so far as the Territory was concerned. Now, in that connection, we take this position, because we believe there is involved in this reimbursement a tremendous moral obligation for the Government to recognize.

Senator WATERMAN. And you base your case entirely upon that?

Mr. NORCROSS. We have to very largely now. I have explained what has been the legal position heretofore taken, which is that these payments were not in fact "bonus or extra pay."

Let me, right in that connection, say this: That even the Territory followed what was theretofore the established policy of the Government in respect to troops in far-distant countries. Following the Mexican War and the admission of California into the Union the Government in its military appropriation bills provided for the payment for troops upon the Pacific coast of double pay to that paid in any other part of the United States, and that was in time of peace, and even at that time expenses and the cost of supplies in California could not be a circumstance to what they were in the desert region of Nevada in the early sixties.

Senator ASHURST. I think, probably knows something about that, and the Senator from Colorado also.

Senator WATERMAN. I would like to ask a question right there. We had a claim the other day with reference to New York City. Have you any familiarity with that?

Mr. NORCROSS. No; I have not.

Senator WATERMAN. You have not. Very well.

Senator PITTMAN. Let me interrupt you right there to see if I follow you. Is it the fact that the United States had declared against paying bonuses?

Mr. NORCROSS. I would not say the United States had declared against bonuses. The original act of 1861 or 1862 provided substantially that the Government would reimburse the States for all expenditures. Previous to 1861, under the act of 1850, bounties were paid by the United States.

Senator PITTMAN. I think I understand.

Senator WATERMAN. Do I understand that your position toward this claim is that it is predicated more upon what the policy of the Government had been with reference to affording some relief to Nevada that it is not affording to somebody else? Is that about the objection?

Mr. NORCROSS. If I understand your question: Taking the history of Nevada's reimbursement case, so far as it has been before the Congress in the past years, the Senate has, as I have stated on four occasions, after its committee submitted exhaustive reports, even after the board of Army officers had reported adversely, passed provisions for the reimbursement of Nevada in full together with the interest Nevada actually paid on the principal borrowed in aid of the common defense.

On each several occasions the House committees, considering that matter, had also reported favorably. There was nothing adversely reported against the Nevada case by either the House or Senate committees, but it apparently was impossible to get the House itself to pass the measures, except the act of March 3, 1899, directing the Secretary of the Treasury to report the amount due, which is printed in House Document 332, Fifty-sixth Congress, first session.

Senator WATERMAN. The action of the Senate and House and of this board had been founded on a plan suitable to the policy, and that this kind of expenditure made by Nevada was not recognized by the board or the Government as a matter of policy. Is that it?

Mr. NORCROSS. I think possibly that would be putting it a little too strong. Apparently, when the matter was considered by the House many years ago, there was apprehension at that time that it might create a precedent upon which other States could come in, which apprehension if expressed is unfounded.

Senator WATERMAN. Exactly.

Mr. NORCROSS. A little later I am going to cover that matter, so far as the Territory and State of Nevada is concerned. There is no possible element of precedent here, because Nevada's claim is unique, and stands alone; but this situation I will cover fully a little later.

Senator PITTMAN. I want to ask you what was the regulation of 1861, upon which the Court of Claims turned this case down?

Mr. NORCROSS. The act of July 27, 1861 (12 Stat. 276), provided:

"That the cost, charges, and expenses properly incurred by any State in raising troops to protect the rights of the Nation would be made by the General Government."

Senator ASHURST. That is an act of Congress?

Mr. NORCROSS. Yes; the act of March 8, 1862 (12 Stat. 615), provided that the act of 1861 should embrace the expenses before, as well as after its approval.

Senator ASHURST. What was the date of that act?

Mr. NORCROSS. July 27, 1861; and the second one, which was designed to remove any question as to whether it would apply to expenses contracted both before or after, was passed March 8, 1862.

It has always been our contention that under the provisions of that act, the Territorial officials would have been justified in proceeding. As to the regulations made thereunder it is doubtful if Nevada ever knew of them.

Senator PITTMAN. As Senator WATERMAN said, the desire, of course, was to have uniformity. Whether that uniformity meant uniformity throughout the United States or not is another question in my mind. I should judge from what the military board stated to the investigating committee, that they felt that it was an economical arrangement, and they felt it was not too much, and that it was inequitable to apply a uniform payment in that section of the country, but that the legislature of the Territory had practically established this form by designating it as a bonus and an additional payment.

Senator WATERMAN. That is it, and it was not policy to pay that.

Senator PITTMAN. To pay a bonus and an additional amount.

Senator WATERMAN. Now, you suggested a moment ago, when I interrupted you, that it could not establish a precedent, because there is no other case like it. Now, the conditions in Nevada, I imagine, were entirely different from the conditions in any other State or Territory in the country at that time; therefore it takes it out and puts it in a class by itself, and for that reason it does not establish a precedent to anybody else. Is that correct?

Mr. NORCROSS. That is correct. And you will find, in the decision of the Court of Claims passing on this, that they did not refer to the act of 1882 which created this Army board. That act of 1882, provided, in effect, that no greater allowance should be given to any State or Territory for its troops than that paid to troops in the same country.

Now, it has been the contention of the State that under the language of that act, properly construed, that as there were no United States troops in that country, no troops except those raised by the Territory of Nevada, and some raised in California under the same, similar condition, that under the language of the act troops there were not paid more than were paid in the same country, because there was no other country like Nevada at that time.

Senator WATERMAN. Well, I do not think we need to discuss very much more the legal aspect of that.

Mr. NORCROSS. No.

Senator WATERMAN. And the question is, as Senator PITTMAN has said, the Court of Claims passed on the legal aspect of it. The question is whether, as a matter of substantial justice, under the peculiar conditions existing at the time, the Government should be lenient with this thing and reimburse to the State of Nevada these amounts which it paid out for the benefit of the country as a whole; and I agree that they are entitled to be reimbursed. That is the whole thing, is it?

Mr. NORCROSS. That is the whole thing.

In conclusion, I want to stress the two main points which, in my judgment, present a great moral obligation here.

First, under the Territorial form of government, the officers were really Federal officers, and the governor and legislature were paid directly from the Treasury of the United States.

Senator ASHURST. And appointed by the President?

Mr. NORCROSS. Appointed by the President, except the members of the Territorial council. They were elected by the local people, but in the Nevada Territorial form, the legislation rested in both the governor and the Territorial council, but all were paid directly from the Treasury of the United States, but they were all, in effect, officers of the Government. So much for that.

Now, in 1864, as is shown by the book "Recollections of the Civil War," written by Charles A. Dana, the great editor of the New York Sun, who was Assistant Secretary of War during the administration of President Lincoln. He states in that book, and I will ask permission to read into the record just a short expression from that conclusion. He states that the administration had finally determined that a constitutional amendment abolishing slavery would have a moral effect, the equivalent of raising another army of a million men and "fight no one knows how long." He quotes that as the language of President Lincoln. When they canvassed the situation, they found they were one State short of the necessary three-fourths to ratify

such an amendment, and, he states, that then Lincoln made the announcement that "we will make a State out of the Territory of Nevada." They called on the State, or Territory, to enter into the Union. They passed an enabling act, and so great was the haste to get Nevada into the Union that Congress, after it first passed the act, amended it by putting the election just one month ahead for the vote upon the Constitution. The Territory of Nevada telegraphed that Constitution to President Lincoln, and the State subsequently paid thirty-four hundred and odd dollars for that dispatch, but the State is not asking for reimbursement on that account. I only mention that to show the great desire of President Lincoln's administration to get the State into the Union.

Senator WATERMAN. There is no question about that.

Mr. NORCROSS. Here is what happened. The State certainly was morally obliged to assume the debt of the Territory. It did so in a constitutional provision, and that Constitution was approved by Abraham Lincoln.

Senator WATERMAN. That is what the Federal Constitution did.

Mr. NORCROSS. Yes. So that it is our contention that that creates a moral obligation. The Government wanted Nevada into the Union, and there were 16,000 voters in that vast Territory at that time. There were only one thousand and some odd dollars in the treasury of the Territory. The Government immediately shifted a burden of thirty thousand and odd hundred dollars a year to the shoulders of the future people of the Territory to maintain a State government, but the Government saved three or four times the amount of this claim in what it would have had to pay the Territorial officers. In addition to that, the State, upon coming into the Union, had to borrow, and did borrow, \$100,000 to keep its own government going for the first year, and for that it had to pay, and did pay, 2 per cent per month interest.

Now, the facts are probably these, that the people of the little State of Nevada have probably paid for the privilege and honor of being a State millions and millions of dollars that they would not otherwise have had to pay. It borrowed, in order to pay this very debt contracted by the Territory for war expenditures, in aid of the common defense \$100,000, for which it paid 1½ per cent per month interest for the first few years. The State, in 1866, I think it was, passed its first large bond issue, on which bond issue it had to pay 10 per cent, which was designed to take up all of the obligations. There is a report of the secretary of the State treasurer in the report of 1867, in which the State treasurer stated that he had been to New York City endeavoring to sell the State bonds at 10 per cent, and he was unable to do so.

The next legislature passed another act which provided for the issue of bonds on a 12 per cent per annum rate, and before that legislature adjourned it amended the act to increase it to 15 per cent, which was the rate the State had to pay because virtually at that time it had no resources and no credit. There was practically none in that vast country, except the Comstock Lode and a few other mines.

Now, that generally is the main ground that the State is asking for this reimbursement; first, that as a matter of actual fact, this was not a bonus nor extra pay.

Senator PITTMAN. But it was a necessary payment?

Mr. NORCROSS. It was an absolutely necessary payment to keep the overland route open. That is shown by the Government's reports and acknowledgments.

Senator ODDIE. I think a brief statement would be well, as to the great benefit then derived from the Comstock mines to the Government at that time, showing they have continued to the present.

Mr. NORCROSS. I am glad you mentioned that, Senator. I did state some time ago that the closing of the Overland Trail would undoubtedly have closed the Comstock mines. The Comstock mines in 1863 were at the height of their production. There was greater production later, but during the years of the Civil War, and in the decade immediately following, those mines practically turned into the Treasury of the United States a half billion dollars. It is said that the production from the Comstock Lode alone enabled the Government to assume specie payments 10 years sooner than it otherwise could have done. If the mines had been closed in 1863, it is difficult to say when they would have been opened again, but it certainly is a fact that they might have been closed and probably would have been had not the troops been raised by the Territory of Nevada.

Senator WATERMAN. They had to get supplies from somewhere, and they could not get them unless the way was open.

Mr. NORCROSS. Yes. Just to illustrate the cost of nearly everything in the Territory at that time. In this report of the board of Army officers, in support of their statement that the pay received by the Nevada troops did not average, if indeed it equaled, the pay of other troops, the cost of transportation from Fort Leavenworth to Salt Lake City on a bushel of corn, the freight alone was \$17, and that was still 500 miles east of the Comstock Lode at Carson, Nev. That is only an illustration of a number of substantial things. When these men went into the service with \$5 extra pay, they could have gone into the mines of the Comstock Lode and received from \$5 to \$10 per day. There is nothing on earth, that I can conceive of, that

would have induced these men to have gone into the service at that time except for the highest motives of patriotism.

Senator WATERMAN. I do not think you could get anywhere without running right up against the word "patriotism."

Mr. NORCROSS. And then there was another inducement for them not to go into the service, it being the fact, that one great mine having been found in that vast country, these men could go prospecting with a chance of finding another. So that the troops were certainly entitled to great credit, I think.

There is, in the report to the Secretary of War—I think this occurred during the latter part of 1864 or 1865—when two or three companies of troops were sent from Salt Lake City, and they must have included Nevada troops, at least in part, went over into Idaho and fought a band of Indians and annihilated them, and it was reported that some sixty-odd, if I recollect it, were lost—killed or wounded, and the troops suffered severely from frostbite. Just a little while before the call for troops, volunteers in Nevada from Virginia City and Carson, under Major Ormsby fought the Piute Indians on Pyramid Lake and were virtually annihilated by the Indians. Later a second battle of Pyramid Lake was fought by volunteer troops under Captain Storey, after whom Storey County was named. Captain Lassen, after whom Lassen County, Calif., was named, was killed with his band of troops in Washoe County, just shortly before the massacre of Major Ormsby near there in a fight with the Indians; so you can see there was really hard fighting in that section of the country during that period of time, in order to guard the overland route and keep the Indians under subjection.

Senator ASHURST. The Adjutant General's office has a muster roll showing who were in the service?

Mr. NORCROSS. They are all reported; yes. When this matter was before the Senate and House a number of years ago, the claim of Nevada was presented, all the items to a cent.

Senator ASHURST. How much did it amount to?

Mr. NORCROSS. The principal, about \$110,000, with interest.

Senator ASHURST. That is interest which Nevada paid?

Mr. NORCROSS. The principal and the interest which the State has actually paid would add approximately half a million dollars on top of it.

Senator ASHURST. The State is asking for the principal and the amount of money that the State paid out as interest on it?

Mr. NORCROSS. Yes, sir.

Senator ASHURST. You are asking the interest from the Government; you are asking what the State has paid out for interest?

Mr. NORCROSS. Yes, sir.

Senator WATERMAN. I imagine that has all been audited, hasn't it?

Mr. NORCROSS. Yes, sir; up to 1899.

Senator ASHURST. You are not asking our Government to pay interest, but you are asking to be reimbursed for what you have paid out as interest only?

Mr. NORCROSS. Yes.

Senator ASHURST. You are asking just what the State paid out in interest, but you are not asking the Government for interest on your claim?

Mr. NORCROSS. No; just reimbursement for the interest paid, according to the decision of the Supreme Court in the New York case, reported in 160 U. S. 547.

Senator ODDIE. There have been recent statements of accounts sent from the State of Nevada, have there?

Mr. NORCROSS. From 1900 to the present time—

Senator ODDIE. Do they appear here?

Mr. NORCROSS. Not in that report, but we will present that to the committee.

Senator PITTMAN. I suggest, Mr. Chairman, that this report of the Treasury Department, made in 1900, be incorporated in the record.

Senator WATERMAN. I think that is a good idea. It is so ordered.

Senator PITTMAN. Because we are trying now to get some kind of a report from that date on up to now.

Senator WATERMAN. Well, he may have it copied in.

Senator PITTMAN. Unfortunately, he does not have that, because he could not do it until he got the report of the comptroller of the State of Nevada, consequently he reported on this resolution before receiving the State comptroller's report and could not bring it up to date, and what we request is that this be brought up to date and have a full report.

The report is as follows:

[H. Doc. No. 322, 56th Cong., 1st sess.]

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, D. C., January 19, 1900.

Sir: Referring to the act of March 3, 1899 (30 Stat. 1206), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, and calling for

report to Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of statement of the case made by the Auditor for the War Department January 18, 1900.

Respectfully,

L. J. GAGE, *Secretary.*

THE SPEAKER OF THE HOUSE OF REPRESENTATIVES.

TREASURY DEPARTMENT,  
OFFICE OF AUDITOR FOR THE WAR DEPARTMENT,  
Washington, January 18, 1900.

SIR: In reply to your communication of March 11, 1899, requesting a report under provisions of act of March 3, 1899, paragraph "State claims" (Public 190), upon the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, I have the honor to state the following:

On December 24, 1889, the Secretary of War, acting in accordance with a resolution of the Senate of February 27, 1889, transmitted a full and complete statement showing the amount expended by the State of Nevada, with such interest on the same as the State had paid between February 10, 1865, and June 30, 1889, amounting in all to the sum of \$412,600.31. This report is found in Executive Document No. 10, first session, Fifty-first Congress.

From a certified statement of Samuel P. Davis, State comptroller of Nevada, made on December 19, 1899, it appears that since the time covered by the report of the Secretary of War, i. e., from June 30, 1889, to December 31, 1899, the State of Nevada has paid the sum of \$58,401.27 as interest upon money paid by the State in aiding in suppressing the rebellion of the Civil War. Accordingly, assuming this statement to be correct, the total amount expended by the State of Nevada, or by the Territory of Nevada and assumed by the State, with such interest on the same as the said State has actually paid, amounts to \$471,001.58.

Upon reports of an examination of this claim made by the State war claims examiners, the Third Auditor and the Second Comptroller of the Treasury, under act of June 27, 1882, the sum of \$7,559.61 was allowed and paid to the State of Nevada on April 10, 1888. This amount, deducted from the total amount paid by the State of Nevada, leaves the sum of \$462,441.97 for which the State has not been reimbursed. The following is a tabulated statement of this claim:

Amount of claim of the State of Nevada, including interest up to June 30, 1889, as shown in the report of the Secretary of War (see page 10, S. Doc. No. 10, 51st Cong.)	\$412,600.31
Amount of interest paid by Nevada from June 30, 1889, to December 31, 1899	58,401.27
Total claim	471,001.58
Amount which the State was reimbursed on April 10, 1888, under act of June 27, 1882	8,559.61
Total paid by the State for which no reimbursement has been made	462,441.97

Respectfully,

F. H. MORRIS, *Auditor.*

[S. Doc. No. 431, 56th Cong., 1st sess.]

TREASURY DEPARTMENT,  
OFFICE OF THE SECRETARY,  
Washington, June 4, 1900.

SIR: Referring to the act of March 3, 1899 (30 Stat., p. 1206), upon the subject of the claim of the State of Nevada for moneys advanced in aid of the suppression of the rebellion in the Civil War, and calling for report to Congress by the Secretary of the Treasury thereon, I have the honor to transmit herewith copy of the report of the Auditor for the War Department of May 28, 1900, amending his report of January 18, 1900, which was transmitted to the Senate by this department January 19, 1900.

Respectfully,

L. J. GAGE, *Secretary.*

THE PRESIDENT OF THE SENATE.

TREASURY DEPARTMENT,  
OFFICE OF THE AUDITOR FOR THE WAR DEPARTMENT,  
Washington, May 28, 1900.

SIR: In my reply of January 18, 1900, to your request of March 11, 1899, for a report under the provisions of the act of March 3, 1899 (Public, No. 190), upon the claim of the State of Nevada for moneys advanced during the War of the Rebellion, the balance reported to be due the State was given as \$462,441.97.

A reexamination of the account shows that this amount should be reduced by the sum of \$23,180.92, allowed by Treasury settlement No. 425, of January 13, 1899, and the further sum of \$38.33, being a double charge in the account, making the amount to be deducted \$23,219.25, leaving a balance of \$439,222.72 due the State instead of the above.

Respectfully,

F. H. MORRIS, *Auditor.*

THE SECRETARY OF THE TREASURY.

OFFICE OF STATE CONTROLLER,  
Carson City, Nev., January 19, 1928.

Hon. J. R. McCall,

Comptroller General, Washington, D. C.

SIR: I herewith present a statement of the amount of interest paid by the State of Nevada on the principal of its Civil War claims from December 31, 1899, to December 31, 1927:

Interest on the principal, Dec. 31, 1899, to June 30, 1910	\$58,401.97
Interest on principal from June 30, 1910, to Dec. 31, 1927	86,588.92
Total	144,990.87

Respectfully submitted.

ED. C. PETERSON, *State Controller.*

I certify that to the best of my knowledge the above amount is correct.

[SEAL]

ED. C. PETERSON, *State Controller.*

Subscribed and sworn to before me this 19th day of January, 1928.

EVA HATTON,

Clerk of Supreme Court, State of Nevada.

Senator ASHURST. When was the last amount of interest paid?

Mr. NORCROSS. The State has never been able to pay any of its bonded indebtedness, other than with other bonds issued later on.

Senator ASHURST. Was that all refunded in some other obligation?

Senator WATERMAN. You are paying interest on it now, aren't you?

Mr. NORCROSS. Yes; we are paying interest at the rate of 5 per cent.

Senator PITTMAN. This is the report we are waiting on from the comptroller general of Nevada; and we can follow it on to the Treasury Department here, so that they will be in a position where they can either approve or disapprove it.

Mr. NORCROSS. Yes.

Senator ASHURST. What is the assessed valuation of the State property now; isn't it around five or six hundred million dollars?

Mr. NORCROSS. My recollection is that it is around six hundred million now.

Before I finish, gentlemen, I would like to read into the record from this book, *Recollections of the Civil War*, about which I spoke a moment ago.

Senator WATERMAN. Just read that into the record.

Mr. NORCROSS. I am reading from *Recollections of the Civil War*, by Charles A. Dana. The State did not have the benefit of this when the matter was up in 1898. I am reading from page 174. [Reading:]

"The administration had decided that the Constitution of the United States should be amended so that slavery should be prohibited. This was not only a change in our national policy, it was also a most important military measure. It was intended not merely as a means of abolishing slavery forever, but as a means of affecting the judgment and the feelings and the anticipations of those in rebellion. It was believed that such an amendment to the Constitution would be equivalent to new armies in the field, that it would be worth at least a million men, that it would be an intellectual army that would tend to paralyze the enemy and break the continuity of his ideas. In order thus to amend the Constitution it was necessary first to have the proposed amendment approved by three-fourths of the States. When that question came to be considered, the issue was seen to be so close, that one State more was necessary. The State of Nevada was organized and admitted into the Union to answer that purpose. I have sometimes heard people complain that Nevada is superfluous and petty, not big enough to be a State; but when I hear that complaint I always hear Abraham Lincoln saying, 'It is easier to admit Nevada than to raise another million soldiers.'"

And then this is a quotation that he speaks of the measure, no doubt, in the House of Representatives.

Senator ASHURST. Yes.

Mr. NORCROSS. This a quotation from Abraham Lincoln that he uses [reading]:

"Here is the alternative, that we carry this vote or be compelled to raise another million, and I don't know how many more men, and fight no one knows how long."

They needed the 3 votes on the new armies—

Senator ASHURST (interposing). It was 2 votes in the Senate and 1 in the House, and they needed 1 more vote for the ratification of the thirteenth amendment, I suppose?

Mr. NORCROSS. No; it was 3 votes in the House of Representatives; they needed 3 votes to pass it in the House, because of a certain position being taken.

Senator ASHURST. There were more amendments, the thirteenth, fourteenth, and fifteenth—

Mr. NORCROSS (interposing). No; this referred to the enabling act, to admit Nevada into the Union.

Senator PITTMAN. Does that cover your statement, Mr. Norcross?

Mr. NORCROSS. Yes.

Senator PITTMAN. As to this resolution, Judge Norcross knows more about this case than any of us; in fact, I don't know very much about it at all, except from what I have heard from time to time through the committee.

Mr. Kappler has been retained by the State to represent them here legally, and I have no doubt that he will be able to assist the Representatives in Congress in getting together the matter referred to by Judge Norcross for your convenience, if you need it.

Senator WATERMAN. I would like to have the whole thing before me.

Every time this claim, covering this \$5 and this \$10 paid by the Territory of Nevada, has come before the Senate committee, if I understand you, the Senate committee has approved that claim.

Mr. NORCROSS. That is absolutely true, Senator WATERMAN. The Senate has always passed the bill. The House committees on every occasion reported favorably and made exhaustive and strong reports, but the appropriation was unfavorably acted upon in the House, chiefly, I suspect, because the true situation of the Nevada case, differing as it does all others, was not clearly presented at the time.

STATEMENT OF MR. CHARLES J. KAPPLER, ATTORNEY AT LAW, WASHINGTON, D. C.

Mr. KAPPLER. Mr. Chairman and members of the committee, Judge Norcross has quite thoroughly gone over the history and merit of this matter of reimbursement to Nevada, but my statement is intended to cover largely the merits of the case, in consecutive form, and from the standpoint of equity, fair dealing, right, and justice.

1. The Territory of Nevada was organized under the act of Congress approved March 2, 1861 (12 Stat. 210).

2. The State of Nevada was admitted into the Union by the enabling act approved March 21, 1864 (13 Stat. 30).

3. The act of July 27, 1861 (12 Stat. 276), provided that the costs, charges, and expenses properly incurred by any State in raising troops to protect the authority of the Nation would be met by the General Government. The act of March 8, 1862 (12 Stat. 615), provided that the act of 1861 should embrace expenses before as well as after its approval. The acts of June 27, 1882 (22 Stat. 111), and August 4, 1886 (24 Stat. 217), were remedial statutes.

4. The Government of the United States during the war between the States, after nearly all regular troops on the Pacific coast had been transferred to the East, called upon the Territory and State of Nevada on three separate occasions to raise and equip soldiers to keep open the overland route and to quell Indian hostilities, which service theretofore had been performed by the Regular Army, on the basis of the acts of 1861 and 1862, supra, and the following letter from the Secretary of State, William H. Seward, sent to the governors of States and Territories under date of October 14, 1861:

"The President has directed me to invite your consideration to the subject of the improvement and perfection of the defenses of the State over which you preside, and to ask you to present the subject to the consideration of the legislature when it shall have assembled.

"Such proceedings by the State would require only a temporary use of its means. The expenditures ought to be made the subject of conference with the Federal authorities. Being thus made with the concurrence of the Government for general defense, there is every reason to believe that Congress would sanction what the State should do, and would provide for its reimbursement."

The first call on Nevada for troops was made in the following dispatch:

HEADQUARTERS OF THE ARMY,  
Washington, D. C., April 15, 1863.

Brig. Gen. G. WRIGHT, San Francisco, Calif.:

The Secretary of War authorizes you to raise additional regiments in California and Nevada to reinforce General Conner and protect overland routes. Can not companies be raised in Nevada and pushed forward immediately? General Conner may be able to raise some companies in Utah or out of emigrant trains.

H. W. HALLECK, General in Chief.

HEADQUARTERS DEPARTMENT OF THE PACIFIC,  
San Francisco, Calif., April 2, 1863.

His Excellency O. CLEMENS,

Governor of Nevada Territory, Carson City, Nev.

SIR: I have been authorized by the War Department to raise volunteer companies in Nevada Territory for the purpose of moving east on the overland mail route in the direction of Great Salt Lake City. If it is possible to raise three or four companies in the Territory for this service I have to request your excellency may be pleased to have them organized. I should be glad to get two companies of Cavalry and two of Infantry, the mounted troops to furnish their own horses and equipments. Arms, ammunition, etc., will be furnished by the United States. Should your excellency consider it impossible that this volunteer force can be raised, even one company will be accepted. I will send you a plan of organization, and an officer with the necessary instructions for mustering them into the service.

With great respect, I have the honor to be,  
Your obedient service.

G. WRIGHT,  
Brigadier General, U. S. Army, Commanding.

The second call follows:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,  
San Francisco, December 22, 1863.

SIR: The four companies of Cavalry called for from the Territory of Nevada have completed their organization; two of the companies have reached Camp Douglas, Utah, and the remaining two are at Fort Churchill, Nev. On the representations of Governor Nye that additional troops might be raised in Nevada, I have, under the authority conferred upon me by the War Department, called upon the governor for a regiment of Infantry and two more companies of Cavalry.

G. WRIGHT,  
Brigadier General, United States Army, Commanding.  
ADJUTANT GENERAL UNITED STATES ARMY,  
Washington, D. C.

The third call follows:

HEADQUARTERS DEPARTMENT OF THE PACIFIC,  
Virginia City, October 13, 1864.

SIR: I have the honor to acquaint you that I have received authority from the War Department to call on you, from time to time, as the circumstances of the service may require, for not to exceed in all, at any time, one regiment of volunteer Infantry and one regiment of volunteer Cavalry, to be mustered into the service of the United States as other volunteer regiments under existing laws and regulations.

Under this authority I have to request you will please raise, as soon as possible, enough companies of Infantry to complete, with those already in the service from Nevada, a full regiment of Infantry. Brigadier General Wason will confer with you and give all the information necessary as to details for this service.

IRWIN McDOWELL,  
Major General, Commanding Department.

His Excellency JAMES W. NYE,  
Governor of Nevada Territory.

5. The Territory and State of Nevada under such calls raised, equipped, mounted, subsisted, and paid 1,180 men, enlistments being for three years (S. Rep. 154, 54th Cong., 1st sess., p. 70-71).

6. The Nevada volunteers in conjunction with California volunteers were employed in guarding and protecting the overland mail and emigrant routes and in keeping in subjection the Indian tribes that roamed over the country adjacent thereto. (Report Secretary of War, dated November 25, 1889.)

7. United States Army officers, the governor, and The Adjutant General, all Government officials, and the Territorial legislature advised together on the enactment of the necessary legislation for raising troops and paying expenses incurred, supervised the raising and equipping of said men and putting them into active military service of the United States, as well as consulted on ways and means for Nevada to procure the money with which to meet the necessary expenses incurred.

8. The Territory and the State, in order to enroll, subsist, clothe, supply, equip, pay, and transport the volunteers and place them in the service of the United States (their treasury being low in funds), were compelled to issue bonds, at the then prevailing rates of interest, to meet the cost thereof.

9. The Territory and State advanced and expended such money in good faith on the assurance of Secretary of State Seward, and the acts of 1861 and 1862, supra, that the use of the Territory's means would be but temporary, as reimbursement for such expenditures would be made by Congress.

10. No money was expended that was not absolutely necessary in order to raise, supply, and equip the mounted troops required in that sparsely populated desert region so urgently called for by the United States. Conditions such as existed in Nevada during the war did not prevail in any other section of the country, and therefore the case of Nevada stands unique and alone.

11. The Secretary of the Treasury has reported to Congress that the Territory of Nevada and the State of Nevada (Nevada assuming the obligations of the Territory when admitted into the Union as a State in 1864) actually expended for and on behalf of the Government during the war between the States and for interest charges on money borrowed for the benefit of the Government, the sum of \$462,441.97, which sum, less \$23,219.25 paid on account January 13, 1899 (S. Doc. 431, 56th Cong., 1st sess.), and less \$12,283.04 paid on account July 1, 1910, has not been reimbursed.

12. It is not disputed that the Territory and State of Nevada actually expended said sum of \$462,441.97 for the common defense, as reported by the Secretary of the Treasury in House Document 322, Fifty-sixth Congress, first session, based on the evidence presented.

13. The larger part of Nevada's costs and charges was erroneously disallowed by the board of Army officers appointed under the acts of 1882 and 1886 on the assumption the law did not provide for payment of interest on money borrowed by the State for the benefit of the United States. Since the disallowance was made, the Supreme Court of the United States, in the similar case of *New York v. United States* (160 U. S. 598), has held where a State had paid interest on money borrowed and paid out and expended for the "common defense" the

amount of such interest should, like the principal, be fully reimbursed. The opinion of the Supreme Court in the New York case so aptly presents the duties and responsibilities of the General Government, under the Constitution, to the several States in time of war and its obligation to reimburse moneys expended by States in aid of the "common defense," such presentation so peculiarly applying to the case of Nevada, that the following is quoted therefrom:

"The duty of suppressing armed rebellion, having for its object the overthrow of the National Government, was primarily upon that Government and not upon the several States composing the Union. New York came promptly to the assistance of the National Government by enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting troops to be employed in putting down the rebellion. Immediately after Fort Sumter was fired upon its legislature passed an act appropriating \$3,000,000, or so much thereof, as was necessary, out of any moneys in its treasury not otherwise appropriated, to defray any expenses incurred for arms, supplies, or equipments for such forces as were raised in that State and mustered into the service of the United States. In order to meet the burdens imposed by this appropriation the real and personal property of the people of New York were subjected to taxation. When New York had succeeded in raising 30,000 soldiers to be employed in suppressing the rebellion, the United States, well knowing that the national existence was imperiled, and that the earnest cooperation and continued support of the States were required in order to maintain the Union, solemnly declared by the act of 1861 that 'the costs, charges, and expenses properly incurred' by any State in raising troops to protect the authority of the Nation would be met by the General Government. And to remove any possible doubt as to what expenditures of a State act would be so met, the act of 1862 declared that the act of 1861 should embrace expenses incurred before as well as after its approval. It would be a reflection upon the patriotic motives of Congress if we did not place a liberal interpretation upon those acts, and give effect to what, we are not permitted to doubt, was intended by their passage.

"Before the act of July 27, 1861, was passed the Secretary of State of the United States telegraphed to the Governor of New York, acknowledging that that State had then furnished 50,000 troops for service in the War of the Rebellion, and thanking the governor for his efforts in that direction. And on July 25, 1861, Secretary Seward telegraphed: 'Buy arms and equipments as fast as you can. We pay all.' And on July 27, 1861, that 'Treasury notes for part advances will be furnished on your call for them.' On August 16, 1861, the Secretary of War telegraphed to the Governor of New York: 'Adopt such measures as may be necessary to fill up your regiments as rapidly as possible. We need the men. Let me know the best the Empire State can do to aid the country in the present emergency.' And on February 11, 1862, he telegraphed: 'The Government will refund the State for the advances for troops as speedily as the Treasurer can obtain funds for that purpose.' Liberally interpreted, it is clear that the acts of July 27, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes expressed in the act of 1861, the title of which shows that its object was 'to indemnify the States for expenses incurred by them in defense of the United States.'

"So that the only inquiry is whether, within the fair meaning of the latter act, the words 'costs, charges, and expenses properly incurred' included interest paid by the State of New York on moneys borrowed for the purpose of raising, subsisting, and supplying troops to be employed in suppressing the rebellion. We have no hesitation in answering this question in the affirmative. If that State was to give effective aid to the General Government in its struggle with the organized forces of rebellion it could only do so by borrowing money sufficient to meet the emergency, for it had no money in its treasury that had not been specifically appropriated for the expenses of its own government. It could not have borrowed money any more than the General Government could have borrowed money without stipulating to pay such interest as was customary in the commercial world. Congress did not expect that any State would decline to borrow and await the collection of money raised by taxation before it moved to the support of the Nation. It expected that each loyal State would, as did New York, respond at once in furtherance of the avowed purpose of Congress, by whatever force necessary, to maintain the rightful authority and existence of the National Government.

"We can not doubt that the interest paid by the State on its bonds issued to raise money for the purposes expressed by Congress constituted a part of the costs, charges, and expenses properly incurred by it for those objects. Such interest, when paid, became a principal sum as between the State and the United States; that is, became a part of the aggregate sum properly paid by the State for the United States. The principal and interest so paid constitutes a debt from the United States to the State. It is as if the United States had itself borrowed the money through the agency of the State. We therefore hold that the court below did not err in adjudging that the \$91,320.84 paid by the State for interest upon its bonds issued in 1861 to defray the expenses to be incurred in raising troops for the national defense was a principal sum which the United States agreed to pay, and not interest

within the meaning of the rule prohibiting the allowance of interest accruing upon claims against the United States prior to the rendition of judgment thereon."

14. Had the Territory and State of Nevada failed to raise the troops called for by the Government, the Government would have been compelled to raise the troops east of the Rocky Mountains and equip and transport them west to suppress Indian hostilities and keep open the important overland route (there being no railroads) between Salt Lake City and San Francisco, considered a military necessity by the Government, which task was performed for the Government by Nevada by virtue of the expenditures for which she now seeks reimbursement.

15. The military authorities of the United States well knew at that time the exact condition of the region embracing Nevada and of the roads across the mountains leading thereto; of the cost of transportation; of the prices of labor and supplies as well as of their own inability to furnish either horses or equipment for military service that required mounted troops.

16. During the War between the States men were scarce in Nevada, and under the then existing laws of supply and demand wages and prices of supplies in Nevada were necessarily greatly in excess of those prevailing in other sections of the country. (This is well known to those familiar with conditions prevailing in newly discovered mining regions.) There were no United States Regular troops operating in that vast desert and mountain region; hostile Indians abounded and seriously interfered with overland travel and the mails. The cost of living and wages of labor in Nevada during the war were at least 50 per cent, and in many instances 200 per cent higher than in the Atlantic States; and under such extreme conditions inducements above the Regular Army pay necessarily had to be offered and given to secure speedy enlistment of men to fight the Indians, incited to hostilities by the general war conditions, on the desert and in the mountains. Such inducements as were granted by the legislature of the Territory and State in order to comply with the urgent calls of the Government, however, did not exceed the costs which the Government would have been compelled to incur in raising troops east and transporting them to the far West. This is conceded by Army officers, especially by Major Biddle, who examined the accounts of Nevada, and who stated that the laws in force at the time of the expenditures were not equitable ones to apply to the reimbursement of the far West States, where the laws of supply and demand were so exceptionally different. (S. Ex. Doc. 1, 51st Cong., 1st sess.) It is indeed doubtful if an undertaking to raise and equip troops in the East and transport them west would have been feasible at that particular time, considering the necessity and haste the situation demanded and the serious condition of affairs at the principal seat of war in the East.

17. The majority of the board of Army officers, under the said acts of June 27, 1882, and August 4, 1886, reported on the question of the additional payments made by Nevada to the soldiers as follows:

"This bounty was paid to captains for expenses incurred by them in enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service, in lieu thereof, as is shown by the fact that no other bills are presented for these expenses, and under the circumstances this expense was economical; but this claim having been submitted by the State of Nevada as a premium or bounty, the examiners are debarred from considering it as under the second section of the act of 1882 no higher rate can be allowed than was paid by the United States, which was \$2 per enlistment."

According to this report, it appears the "additional" pay was in name and form only and that Nevada's expenses were economical and to the advantage of the United States, but simply because she used the words "premium or bounty," although the above report plainly shows the additional sums paid to captains was for expenses incurred by them in enlisting, lodging, and subsisting the men in lieu of other allowances, the Army officers disallowed such reimbursement, notwithstanding Congress intended in passing the said act, as the debates and reports show, to cover the Nevada expenditures in full. Secretary of War Robert T. Lincoln, writing to Senator Maxey, January 26, 1884, said: "This statute is deemed sufficiently broad to embrace all proper claims of said State and Territory of Nevada"; and Senator Maxey subsequently, in Senate Report No. 406, Forty-eighth Congress, first session, on S. 657, stated:

"It is deemed by the department that the act approved June 27, 1882, is sufficiently broad to embrace all proper claims of Nevada, whether as a State or Territory, and no additional legislation is necessary."

While the Territorial and State statutes used the word "bounty" to describe an allowance payable to captains of companies for each volunteer recruit secured or enlisted, it was not a bounty in any true sense of that term whatsoever. The majority report was in error in saying that this portion of Nevada's expenditures was "submitted by the State of Nevada as a premium or bounty." The application for reimbursement recited that it was for "recruiting, enlisting, organizing, and enrolling."

In view of the fact that the Army officers found that the expense was for "enlisting, lodging, and subsisting the men of their companies prior to their entering the United States service" and that "under the cir-

cumstances this expense was economical," it is not easy to account for the disallowance upon any technical reason that it was a bounty because it just happened to be so called in the Territorial and State statutes.

18. From June 17, 1850, continuously until August 3, 1861, the practice of the War Department under the laws of Congress was to pay each soldier enlisted, recruited, or reenlisted in the Far West States, a sum of money which, while Congress termed it a "bounty" yet it in fact and effect was, and was intended to be merely extra or additional pay in the form of a constructive mileage equivalent to the cost of transporting a soldier from New York City to the place of such enlistment or reenlistment, estimated at \$160 (S. Rept. 544, pt. 2, 55th Cong., 2d sess., p. 12); said sum was to be paid to each Pacific-coast soldier as follows:

"Sec. 3. And be it further enacted, that whenever enlistments are made at or in the vicinity of the said military posts and remote and distant stations, a bounty equal in amount to the cost of transporting and subsisting a soldier from the principal recruiting depot in the harbor of New York to the place of such enlistment be, and the same is hereby, allowed to each recruit so enlisted." (Act June 17, 1850.)

In addition, in consequence of the high cost of living in the Pacific Coast States, on September 28, 1850, Congress passed an act paying to every commissioned officer serving in those States an extra \$2 per day and to all the enlisted men serving in the United States Army in those States double the pay then being paid to the troops of the Regular Army.

While the above acts were subsequently repealed, still if the necessity for this character of alleged bounty for the Regular Army of the United States existed in a time of profound peace—and no one doubts but that a necessity therefore did exist—then how much greater the necessity for a similar treatment in a period of actual war, when the land carriage for supplies over a distance of 2,000 miles from the Missouri River to the Pacific coast was simply impossible, or at least impracticable, there not being then any overland railroad, and the two sea routes via Cape Horn and the Isthmus of Panama, as reported by the Secretary of War, being both hazardous and expensive.

It is submitted if it was just, necessary, and reasonable to grant such a bounty to men enlisting in the Regular Army serving in remote localities in time of peace, then the allowance by Nevada of a bounty (in name only) to its volunteers when they were in the actual and active service of the United States in time of war, and while the exigencies exceeded in degree those under which the United States had theretofore paid a much larger sum to its own Regular Army serving in the far West in a time of peace, may be considered unquestionably necessary and reasonable and deemed by Nevada and the Army officers advising her in 1863 and 1864 to be in harmony with the policy so long and so often pursued by the United States; and, consequently, it is contended the board of Army officers should have held Nevada's expenses as necessary and reasonable and to the manifest best interests of the General Government, and within the true intent and meaning of the acts of 1861-62, 1882, and 1886.

The board of Army officers were authorized by Congress and in instruction by the Secretary of War, to examine, consider, and pass upon the "necessity for and reasonableness of" Nevada's expenditures, and in their report they say:

"We are decided in the conviction that in granting them this extra compensation, the Legislature of Nevada was mainly instigated by a desire to do a plain act of justice to the United States Volunteers raised in the State and performing an arduous frontier service, by placing them on the same footing as regards compensation with the great mass of the officers and soldiers of the United States Army serving east of the Rocky Mountains. \* \* \* When measured by the current prices of the country in which they were serving, their compensation from all sources did not exceed, if indeed it was equal to, the value of the money received as pay by the troops stationed elsewhere, i. e., outside of the Department of the Pacific." (S. Ex. Doc. 10, 51st Cong., 1st sess.)

Yet, notwithstanding these views held and expressed by the Army officers, they proceeded to disallow on technical grounds solely, void of all fairness, Nevada's expenditures; especially is such disallowance unjust in view of the fact that said Army officers themselves interpreted the alleged "bounty" as an allowance for enlisting, lodging, and subsisting the newly recruited soldiers in lieu of all other allowances, and found that said expenses were economical to the United States and that the expenditures were necessary and reasonable.

It must be kept in mind that the Government, through its Army officers and its Governor of Nevada Territory appointed by the President and The Adjutant General, was at all times cognizant of the conditions prevailing in Nevada, and also cognizant of the war enactments passed by the Territorial legislature on the recommendation of said governor and commanding officer of the United States Army, to meet the extreme situation, all of which enactments were forwarded to the President and the Congress at Washington as provided by law, and, without question, approved. There is nothing in the records to the contrary. Nevada was never advised by the commanding officers of the Depart-

ment of the Pacific, under whose auspices the troops were raised, or by the President, or the Secretary of War or of State, that the expenditures, "the necessity for and reasonableness of" which have never been disputed, authorized by the Territorial and State legislatures and approved by the governor, would not be reimbursed as provided by the acts of 1861 and 1862, and as officially promised by the Secretary of State in his letter of October 14, 1861. If the construction of the acts of 1861-62, 1882, and 1886, as applied by the Army officers and subsequently by the Court of Claims under the acts of February 14 and May 27, 1902 (32 Stat. 235-236, 45 Ct. Cls. 264), to Nevada's war expenditures, is adhered to, then it is evident that the Government is not carrying out its pledged faith to Nevada, and is in honor bound to make proper reimbursement.

The applicable law on the subject of legislative acts passed by a Territory of the United States is contained in sections 1844 and 1850 of the Revised Statutes of the United States (1878) reading as follows:

"Sec. 1844. The secretary (of the Territory) shall record and preserve all the laws and proceedings of the legislative assembly and all acts and proceedings of the governor in the executive department; he shall transmit one copy of the laws and journals of the legislative assembly, within 30 days after each session thereof, to the President and two copies of the laws within like time to the President of the Senate and to the Speaker of the House of Representatives for the use of Congress. \* \* \*

"Sec. 1850. All laws passed by the legislative assembly and governor of any Territory, except in the Territories of Colorado, Dakota, Idaho, Montana, and Wyoming, shall be submitted to Congress and if disapproved shall be null and of no effect."

In the act of Congress authorizing the organization of the Territory of Nevada is contained the following:

"Sec. 3. The secretary of said Territory shall \* \* \* on or before the 1st day of December in each year transmit to the President of the United States, to the Speaker of the House of Representatives and the President of the Senate for the use of Congress one copy of the laws passed by the legislative assembly." (12 Stat. 210.)

The question arising as to the validity of a certain act relating to civil suits, passed by the legislative assembly of the Territory of New Mexico, the Supreme Court of the United States in *A. T. & S. F. R. R. Co. v. Sowers* (213 U. S. 54), held that in view of the fact that the law of the Territory of New Mexico had been submitted to Congress as required by the organization act and section 1850 of the Revised Statutes and same had not been disapproved, it would be assumed that such law had been approved by Congress.

Therefore it would seem to follow that as the Territorial acts of Nevada (all Territorial officers as well as the assembly being strictly under the jurisdiction of, and paid by, the United States), authorizing the expenditure of money, including additional pay (if additional pay it was) to United States Volunteers in aid of the Government, having been submitted to the President and to Congress as required by law and the same not having been disapproved, such expenditures under said acts made were consequently made with the cognizance, sanction, and approval of the United States; and any act of Congress subsequently passed having the effect of denying reimbursement in full for such expenditures would be an abridgement of the liability of the United States to Nevada after such expenditures had been made and after the Government had received the full benefit therefrom. While Congress may have the power to do this, still it has been the policy of the Government not knowingly to exercise such power in any given case, and Congress has been quick to relieve itself of the moral obligation thus imposed upon it in order to do right and justice when a case of that character has arisen. (*U. S. v. Realty Co.*, 163 U. S. 427; *U. S. v. Cook*, 257 U. S. 523.)

19. Another error, it is contended, was committed by the Army officers and later by the Court of Claims in construing the act of June 27, 1882 (22 Stat. 112), by failing to give full weight to the remedial character of the act and liberally to construe the acts of 1861-62. The reason assigned for the disallowance of Nevada's additional pay to the volunteers was that "it was a higher rate than was allowed and paid by the United States for similar services in the same grade and for the same time in the United States Army serving in Nevada." The Army officers and the Court of Claims apparently overlooked the fact that there was no part of the United States Army "serving in Nevada for the same time" other than Nevada and California volunteers. There was no other army available; hence the necessity of raising troops locally to keep open the overland route as a military measure and also to protect the settlers against hostile Indians. It is at least very doubtful if "similar services" were being rendered by any other portion of the Army, and certainly the conditions under which they were rendered were wholly different, as explained by said Army officers in paragraph 18, supra. Therefore, there was no proper basis for comparison between the pay of regular United States soldiers and what it was found necessary for Nevada in a great emergency to pay the newly recruited volunteers in that particular Territory. Under these circumstances, it is submitted, the provisions of the acts of 1882 and 1902, as well as acts of 1861-62, should have been liberally construed in favor of the ex-

penditures actually made by Nevada in aid of the Government and at its urgent request, as set forth by the Supreme Court in *New York v. U. S.*, supra, as follows:

"Liberal interpreted, it is clear that the acts of July 2, 1861, and March 8, 1862, created on the part of the United States an obligation to indemnify the States for any costs, charges, and expenses properly incurred for the purposes embraced in the act of 1861, the title of which shows that its subject was to indemnify the States for expenses incurred by them in defense of the United States."

20. Necessity for furnishing the troops was great and urgent, as the calls disclose, and time was an important element. Under the circumstances, Nevada did what the Government expected of her in the most economical, practical manner compatible with carrying out the instructions of the Government. Necessity, time, and speed being the prime factors in such an emergency, as they always are in stress of war, expenses to be incurred under such stress in raising, equipping, and maintaining troops in that sparsely settled, barren desert region during Indian excitements, and with extremely high prices prevailing, could not be permitted to defeat the very purpose sought to be accomplished by the Government. (*New York v. U. S.*, 160-598, supra.) The Territorial officials and the Army officers, all appointed by the President and acting as agents of the Government, being on the ground were undoubtedly the best judges as to what had been done under the emergency facing them and of the necessity for and reasonableness of expenses to be incurred. In incurring these expenses the Territory and State, it should be borne in mind, stood in the shoes of the Government whose constitutional duty it was to provide the troops, and that Government had expressly directed the State to raise and equip such troops in its behalf. Yet the expenses necessarily incurred by Nevada and the method employed in incurring them were, as stated by Major Biddle, economical; they likewise did not exceed the Government's allowance to soldiers under the act of 1850, nor what the costs would have been had the Government itself been required to raise, equip, and send troops to the far West under the most exceptional conditions prevailing in 1863, in that desert region 2,500 miles from the seat of government and at a time when the armies of the Government in the East were in the midst of many sanguinary battles, including Fredericksburg, Gettysburg, and Chambersburg.

21. The patriotic impulses of Nevada were not questioned during the war. The Government gratefully accepted her contribution of men and advancement of money upon which she is still paying interest in aid of the preservation of the Union. There was no question then as to the services she rendered. President Lincoln showed he appreciated what Nevada actually meant to the Union when he said, as reported by Charles A. Dana in his *Recollections of the Civil War*, pages 174, 175, at the time Nevada was admitted as a State in the Union:

"Here is the alternative: That we carry this vote or be compelled to raise another million, and I don't know how many more men, and fight no one knows how long."

22. Unquestionably the Government is legally, morally, and equitably obligated to reimburse Nevada the money she actually expended at its request in aid of the Nation of which she has thus far been deprived either through technical construction of the law or by the rigid letter of the existing law by the Army officers and the Court of Claims notwithstanding the Army officers conceded the expenditures so made were necessary and reasonable, and the manner in which made was economical and that the existing law was most inequitable to apply to an unusual and extreme case such as that of Nevada; and the Court of Claims saying—

"that laws were enacted by the State at the instance of the officer commanding the military department of the Pacific to provide funds with which to meet the expense of volunteers was quite natural and commendable under the conditions existing there, both to the officer and the legislature, and may give rise to some equity in favor of the claim."

It is submitted there should have been no hard and fast rule applied on the point whether or not the expenditures, made during those confessedly extraordinary and trying days and in that barren region where under the laws of supply and demand in operation at the time prices were at least 50 per cent higher than in any other section of the country, were incurred strictly according to the letter of the law without considering the spirit thereof or the necessity, time, conditions, and prices existing in the region in which expended, which made compliances impossible. The failure to take all these factors into consideration has caused a great injustice of long standing to be done to Nevada.

Furthermore, the acts of 1861 and 1862 and the regulations were general acts passed in the early war period when it was thought the war would be confined to the South and the East and consequently did not have in view an exceptional case such as Nevada now presents; nevertheless if liberally construed, as held by the Supreme Court they should be, said acts would meet Nevada's situation; in other words, said acts and regulations were held to apply to the States of New York and Pennsylvania, for instance, where men, equip-

ment, supplies, and transportation were plentiful, while said acts were interpreted equally to apply to the barren region embracing Nevada where men, equipment, supplies, and transportation were scarce and prices in consequence extremely high. In the former instance the laws and regulations could be justly applied, but in the latter instance such laws and regulations, if intended to apply, were wholly inequitable and impossible of just application and required special treatment.

Comptroller Tracewell, in a report made May 10, 1910, set for that the acts of July 27, 1861, and the joint resolution of March 8, 1862, authorizing reimbursement to any State of the costs, charges, and expenses properly incurred for enrolling, subsisting, clothing, supplying, arming, equipping, paying, and transporting its troops employed in aid of the Government during the war between the States had at one time been considered not applicable to the far Western States and Territories, which report tends to show that such laws were inequitable to apply to the far Western States and Territories by virtue of the laws of supply and demand operating differently in that barren region, and in effect holds the bounty acts of 1850 justly applicable.

23. There is no danger of setting a precedent by Congress making reimbursements to Nevada of the money she actually expended for the Nation. No other case can be cited on a parallel with it. Furthermore, Congress itself carries the shield of protection to the Treasury in all such cases, should they arise. It may be taken for granted that no case without great merit will receive its approval. That the Nevada reimbursement is just, meritorious, and honorable can not and has not been denied. Congress on grounds of justice and right has repeatedly passed acts appropriating money. In two recent cases passed during the Sixty-ninth Congress, although such cases do not appeal to equity and morals and fair dealing to the same extent as does the Nevada case, Congress by the act approved March 3, 1926 (44 Stat. 160), paid the Omaha Indians the sum of \$374,465.02 as interest, notwithstanding the Supreme Court had held interest was not due. (*U. S. v. Omaha Indians*, 253 U. S. 275.)

By the act approved June 12, 1926 (44 Stat. 740), Congress granted to the Kiowa, Comanche, and Apache Indians \$1,000,000 or more in the Treasury, being money received from oil lands and oil mining leases in the Red River, notwithstanding the Supreme Court of the United States in *Oklahoma v. Texas* (200 U. S. 606; and 261 U. S. 345), to which said Indians were parties, held that the Kiowa, Comanche, and Apache Indians had no right to said money whatsoever; that the right, title, and interest thereto was in the United States.

By the act of March 2, 1895 (28 Stat. 910-933), being the sugar bounty act appropriating money to pay bounties to persons who had been prevented by the repeal of the act of 1890 from obtaining bounties for the production of sugar before the act was repealed, Congress appropriated a large sum of money for their relief; and the Supreme Court of the United States in *United States v. Realty Co.* (163 U. S. 427), held—

"That the case as presented to Congress was enough upon which to base the assertion that there was a moral and honorable claim upon the Public Treasury, which that body had the constitutional right to recognize and pay; that even though in its purely legal aspects an invalid law could not be made the basis of a legal claim, the planter had acquired a claim against the Government of an 'equitable, moral, or honorable nature'; that the Nation, speaking broadly, owed a 'debt' to an individual when his claim grew out of right and justice—when, in other words, it was based upon considerations of a moral or merely honorary nature."

By the act approved May 27, 1908 (35 Stat. 318), Congress appropriated \$250,000 to pay the contractor of the Post Office Building at San Francisco for increased costs of work above his contract price caused by delay and enhanced prices of labor and material due to the earthquake and fire in April, 1906. The architect of the building claiming 5 per cent from the Government of the extra amount awarded the contractor filed suit, and the case went to the Supreme Court. The Government contended that the amount awarded the contractor under the act of Congress was a mere gratuity and can not be properly treated as a part of the cost of the construction. Chief Justice Taft, in rendering the court's opinion in *United States v. Cook* (257 U. S. 527), said:

"It is not helpful to point out that the United States need not have varied the terms of the main contract, or that no consideration moved to it in the change, or that the contractor could not have recovered anything additional in a suit without the legislation. There was the moral consideration which properly induced the recognition of an honorable obligation by Congress, and turned an unenforceable equity into a binding and effective provision."

The Chief Justice then quoted the citation from *United States v. Realty Co.*, supra, and awarded the architect 5 per cent of the amount.

Compare the above cited acts of Congress, expressly recognizing moral, equitable, or honorable obligations covering sugar bounties and contractor's losses arising in time of peace with the moral, equitable, and honorary, and, it may be added, legal obligation resting upon the Government to reimburse Nevada for moneys she actually expended or advanced in aid of the Government in time of a great war, involving the life of the Nation, at its urgent calls, and how can Congress justly refuse to redeem such obligation?

It may be argued that Congress in recognizing moral obligations to the Indians, notwithstanding adverse opinions by the Supreme Court, did so on the ground they were wards of the Government. In reply it may be said that the people of the Territory of Nevada who came to the aid of the Government by supplying men and money in a great emergency were also in effect wards of the Government while a Territory of the United States and when most of the money now sought to be reimbursed was expended. Congress had plenary power over the Territory and its people, the same as it had over the Indians; the President appointed the governor and all other officials, and even the members of the Territorial legislature were paid by the United States; and every act passed by such legislature was required by law to be transmitted to Congress, and Congress had the power to disapprove any act so passed. Congress and the departments of the Government themselves were part and parcel of the legislative department of the Territory of Nevada, and by not disapproving the Territorial legislative enactments granting the additional pay to its volunteers, now disputed, thereby participated therein and sanctioned and approved such payments as "necessary and reasonable."

In the Nevada case Army officers and the Court of Claims, inferior tribunals, rendered unfavorable decisions, while in the Omaha and in the Kiowa, Comanche, and Apache cases the Supreme Court of the United States, the highest court, rendered adverse opinions, notwithstanding which Congress appropriated large sums of money, totaling over twice the sum due Nevada, to carry out moral, equitable, honorable obligations of the Government based on right and justice.

The uncontroverted and cruel fact remains that Nevada for her patriotic and devoted efforts in aid of the Government at its urgent calls during the War between the States has been left out in the "cold"; that in good faith in carrying out the instructions of the Government in a crisis Nevada actually expended the sum of \$462,441.98 on behalf of the Nation, on the official assurance she would be reimbursed, and for which, except as to certain small payments, she has not been reimbursed, as reported by the Secretary of the Treasury, and that her citizens to-day are still paying interest on money borrowed to aid in the common defense. What has been allowed Nevada under the construction of the Army officers and the Court of Claims is but 2½ per cent of the actual amount of money she expended or obligated herself to pay, while other States, wholly differently situated, have received practically the entire amount expended. If there ever was a case that ought to appeal to the conscience and the sense of justice of the Congress, this is the one.

25. That Nevada is entitled to full reimbursement has been declared by prominent Senators familiar with the facts in the following strong terms:

Senator Hawley, of Connecticut: "There is no sort of question as to its justice.

Senator Eugene Hale, of Maine: "The Senate is committed to this State claim by vote, by sentiment, and it is only a question of time when it will pass.

Senator Teller, of Colorado: "If there are any claims that are just and proper which the United States ought to pay, this is one of them. It is as sacred an obligation, in my judgment, as the national bonds." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278).

26. Bills providing for the reimbursement of Nevada passed the Senate in the Fiftieth, Fifty-first, and Fifty-fourth Congresses.

By the act of March 3, 1899 (30 Stat. 1206) the Secretary of the Treasury was directed to report to Congress the amount of money actually expended by Nevada in aid of the Government.

On January 18, 1900, the Secretary of the Treasury reported the amount as "\$462,441.97 which has not been reimbursed." (H. Doc. 322, 56th Cong., 1st sess.)

In the Fifty-sixth Congress, first session, the Senate again passed the following item in H. R. 11212, the sundry civil appropriation bill:

"To pay the State of Nevada the sum of \$462,441.97 for moneys advanced in aid of the suppression of the rebellion in the Civil War, as found and reported to Congress on January 22, 1900, by the Secretary of the Treasury, as provided in the act approved March 3, 1899 (30 Stat. 1206)." (CONGRESSIONAL RECORD, 56th Cong., 1st sess., vol. 33, pt. 7, p. 6278.)

Thus making four times the Senate passed the item paying Nevada. While invariably favorable reports on bills have been submitted to the House by the appropriate committees in various Congresses since 1890, the House for one reason and another, failed to pass same.

On January 13, 1899, the sum of \$23,219.25 in addition to the \$8,559.61 originally allowed by the Army officers, was allowed and paid. (S. Doc. No. 431, 56th Cong., 1st sess.)

Under the acts of Congress approved February 14, 1902 (32 Stat. 30), and May 27, 1902 (32 Stat. 235), the case was referred by the Secretary of the Treasury to the Court of Claims, with the result that the sum of \$12,283.04 as partial interest on the \$8,559.61, supra, was paid on July 1, 1910.

The total balance due Nevada is \$426,938.68, together with interest actually paid since 1900, which has not been reimbursed.

Mr. Norcross, May I add this, that the very last time this matter was before the Congress, in a conference committee between the Senate

and the House there were a number of claims pending at that time. The conference committee was unable to agree, but they put in that act a special provision with reference to Nevada, and upon that act Secretary Gage made the report, a copy of which was filed here, setting out the claim in full, showing that both Houses, and even the conference committee, at that time recognized that there was in Nevada this peculiar condition which needed special consideration.

Senator ASHURST. It was necessary to maintain the overland route. There was, prior to that time, from about 1850, I think, to the outbreak of the war, what is known as the Butterfield State Line; we had the Butterfield State Line, which is about 2,500 miles in length, extending from St. Louis to San Francisco, but when the war broke out it had to be closed, so that only left open the overland route.

Mr. KAPPLER. And because of the Indian hostilities then existing in that mountainous country, it was necessary to raise these Nevada troops to protect and keep open this line of transportation.

Mr. NORCROSS. There is another question in my mind that I want to mention. James W. Nye, who was selected by President Lincoln as Governor of the Territory of Nevada, was selected to perform a great public service to the western coast. That was because Nye had stumped the entire western country with Secretary Seward. He was chairman of the metropolitan board of police of New York City. He was one of the great stump riders, and from time to time went with Thomas Starr King to California, and he is credited with keeping the Pacific coast loyal during the Civil War.

There is no question but that Nye was close to the administration, and Nye was the man who raised the troops and kept the overland route over the desert and the mountains open. Those matters are of record, and part of the history of the times.

Senator WATERMAN. Senator ASHURST, what have you to say about it? Senator ASHURST. I am for it.

Senator WATERMAN. Yes; I think it is a matter that should have our approval, and I think there are a great many other reasons for that, irrespective of the legal aspect of it.

I would like for you, Mr. Norcross, or somebody, prepare a precise and positive statement of the facts as you have given them here to-day. I am asking you to do that, because I have so many things to do.

Mr. NORCROSS. I will be very glad to do that. Senator WATERMAN. There are several controlling reasons here why Nevada should be recognized in this matter, if you base it on what has been brought out here to-day. I think we can do that, can't we, gentlemen?

Senator ASHURST. Yes.

Senator WATERMAN. Judge Norcross can prepare the facts and we can very briefly get to the solution of the propositions that are involved therein, and get it in the record.

Mr. NORCROSS. I will be very glad to do that. Whereupon, at 11 o'clock a. m., Wednesday, January 25, 1928, the hearing of the subcommittee was closed.

#### BILL PASSED OVER

The bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans was announced as next in order.

Mr. BLEASE. I object. The PRESIDING OFFICER. Objection is heard, and the bill goes over.

#### DEDICATION STONES FROM LOCKS OF OHIO & ERIE CANAL

The bill (S. 3292) providing for turning over to the Ohio State Archaeological and Historical Society two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Attorney General is hereby authorized and directed to turn over to the Ohio State Archaeological and Historical Society for preservation in the museum of said society the two dedication stones formerly a part of one of the locks of the Ohio & Erie Canal, and now located on the reservation of the United States Industrial Reformatory at Chillicothe, Ohio.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SALARY OF LIBRARIAN OF CONGRESS

The bill (H. R. 9036) to increase the salary of the Librarian of Congress was considered as in Committee of the Whole and was read, as follows:

*Be it enacted, etc.*, That the Librarian of Congress on and after July 1, 1928, shall receive salary at the rate of \$10,000 per annum.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## RELIEF OF STATE OF NORTH CAROLINA

The bill (S. 3097) for the relief of the State of North Carolina was considered as in Committee of the Whole. The bill had been reported from the Committee on Claims with an amendment, in line 4, after the word "pay," to insert the words "out of any money in the Treasury not otherwise appropriated," so as to make the bill read:

*Be it enacted, etc.,* That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the balance due the State of North Carolina of \$118,035.69, as certified by the Comptroller General of the United States as of February 29, 1928.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

## NATIONAL ARCHIVES

The bill (S. 1169) to create an establishment to be known as the national archives was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Library with the following amendments:

Page 2, line 6, strike out the word "his" where it appears the first time and insert the word "their."

Page 2, line 12, after the word "transfer," strike out the remainder of the paragraph and insert in lieu thereof "but the archives council hereinafter provided for by section 5 shall have authority to accept or decline the deposit of any such materials."

Page 2, line 24, after the word "secretary," insert "the executive officer of the Public Buildings Commission."

Page 2, line 25, after the word "department," insert "or independent establishment."

Page 3, line 22, after the word "room," strike out the comma and insert the word "and."

Page 3, lines 22 and 23, strike out the words "and the superintendency of the building."

Strike out the word "archive" wherever it appears in the bill and insert in lieu thereof the word "archives."

So as to make the bill read:

*Be it enacted, etc.,* That there is hereby created an establishment to be known as the national archives, the head of which shall be the Librarian of Congress, hereby entitled "director of the national archives," who shall have general charge of the national archives building and of all records, documents, and other materials deposited therein.

SEC. 2. That from and after the date when the exterior walls of the national archives building have been completed the head of each executive department and independent establishment of the United States Government and the chairman of the Board of Commissioners of the District of Columbia are authorized and directed to submit to the said director a list or successive lists of all records, papers, documents, charts, etc., in their custody which in his judgment should be filed in the national archives building.

SEC. 3. That the said director and the official submitting any such list shall jointly have authority to arrange for the transfer to the national archives building of any such records, papers, documents, charts, etc., which may be designated by the director for transfer, but the archives council, hereinafter provided for by section 5, shall have authority to accept or decline the deposit of any such materials.

SEC. 4. That under the direction of the said director the immediate charge of the building and its contents shall be exercised by an officer known as the archivist of the United States, who shall be appointed by the director from among such persons as are qualified for the higher grades of the professional and scientific service, as defined in the classification act of 1923.

SEC. 5. That there be established an archives council, consisting of the director, who shall be its chairman, the archivist, who shall be its secretary, the executive officer of the Public Buildings Commission, a member appointed, respectively, by each head of an executive department or independent establishment which has deposited in the archives building, from its files, an amount of material in excess of 50,000 cubic feet, and a member of the American Historical Association appointed by the director from among persons who are or have been members of the executive council of that association; the last-mentioned member to serve without compensation, except repayment of expenses actually incurred in attending meetings of the archives council; and that the archives council shall hold at least one meeting in every year.

SEC. 6. That the director shall have authority, by and with the advice and consent of the archives council, to make regulations concerning the classification, custody, use, and loan of materials deposited in the national archives building, and concerning the destruction of useless papers deposited therein.

SEC. 7. That there be two assistant archivists, appointed by the director from among such persons as are qualified for the professional

and scientific service as defined by the classification act of 1923, one of these assistant archivists to have charge of the division of general administration, including personnel, disbursements, supplies, mail and files, the photographic room, and the bindery, the other assistant archivist to have charge of the division of operations, including classification and indexing, the library, the map room, the superintendency of the public search room, and the superintendency of stacks and rooms for Government searches, and that in addition to the two assistant archivists the director shall have authority to appoint such other employees as he shall find necessary for the service of the establishment.

SEC. 8. That in order to advise and prepare plans respecting the publication of historical materials in the national archives there be established a commission on national historical publications, to consist of the director, who shall be its chairman, the archivist, who shall be its secretary, the chief of the historical section of the War Department General Staff, the superintendent of naval records in the Navy Department, the chief of the division of manuscripts in the Library of Congress, and two members of the American Historical Association, appointed by the director from among those persons who are or have been members of the executive council of that association, the members of this commission to meet at least once a year and to serve without compensation except repayment of expenses actually incurred in attending meetings of the council.

SEC. 9. That such appropriations as may be necessary to provide for the salaries of officers and employees of the establishment and for expenditures for its service and for the maintenance of the national archives building are hereby authorized.

The amendments were agreed to.

Mr. SMOOT. Mr. President, is this Calendar 449 we are considering?

The PRESIDING OFFICER. It is.

Mr. KING. I ask that the bill may go over. There is no necessity for it. We have not an archives building. What is the necessity of anticipating?

Mr. FESS. We are to have an archives building very soon, and this is simply presenting the organization so as to take care of the situation when it arrives.

Mr. SMOOT. I shall have to ask that the bill go over.

Mr. FESS. A similar bill was offered at the last session by the Senator from Utah himself.

Mr. SMOOT. No; it is quite different from the bill I offered then.

The PRESIDING OFFICER. Objection is heard, and the bill will go over.

## BILL PASSED OVER

The bill (H. R. 8725) to amend section 224 of the Judicial Code was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

## BILLS INDEFINITELY POSTPONED

The bill (S. 1928) to provide for appointing Robert J. Burton, a former field clerk, Quartermaster Corps, a warrant officer, United States Army, which had been reported adversely from the Committee on Military Affairs, was announced as next in order.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

The bill (H. R. 2649) authorizing the President to reappoint John P. Pence, formerly an officer in the Signal Corps, United States Army, an officer in the Signal Corps, United States Army, which had been reported from the Committee on Military Affairs adversely, was announced as next in order.

Mr. REED of Pennsylvania. I move that the bill be indefinitely postponed.

The motion was agreed to.

## BILLS PASSED OVER

The bill (S. 2966) for the relief of Oliver C. Sell, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

The bill (H. R. 2294) for the relief of George H. Gilbert was announced as next in order.

Mr. KING. Over.

The PRESIDING OFFICER. Objection is heard, and the bill goes over.

## FEDERAL RESERVE BOARD

The bill (H. R. 6491) to amend section 8 of the act entitled "An act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, as amended, was announced as next in order.

Mr. ROBINSON of Arkansas. Mr. President, there should be an explanation of the bill.

Mr. EDGE. Mr. President, I shall be very glad to make a brief explanation. The bill simply changes the existing law permitting the Federal Reserve Board to pass upon the application of directors to serve as directors of more than one institution. The old Kern law provided that they may serve in three institutions. The present law reads:

Provided such banks are not in substantial competition.

The Federal Reserve Board has said that that language rather defeats the old Kern amendment, and has asked that it be changed to this form, using the words "if, in its judgment, it is not incompatible with the public interest." In other words, the object is to promote competition, and the mere fact that a banker can not be a director of any other institution if there is substantial competition, more or less discourages competition. I might say that the Senator from Virginia [Mr. GLASS] introduced a similar bill last year and it passed the Senate, but in the conference between the two Houses on the McFadden bill it was not included. I read this short paragraph from the Federal Reserve Board letter, which I received a day or two ago.

On behalf of the Federal Reserve Board, I wish to thank you and the other members of the committee for the action taken in reporting the bill. It has been extremely difficult for the board to function intelligently under the present law, and I am sure that if this amendment is enacted, it will enable us to function more in accordance with the original intent of the law.

Mr. ROBINSON of Arkansas. This bill does not, as I understand it, in any sense change the definition in the law of the institutions which may have interlocking directors?

Mr. EDGE. Not in the slightest degree. The national banks have been more or less at a disadvantage, as I have already explained, because the question of competition is always arising when the board begins deciding on applications for a permit, but in the case of State institutions, of course, the Federal Reserve Board has absolutely no jurisdiction and interlocking directors may be named ad libitum.

Mr. LA FOLLETTE. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will go over.

#### GEORGE WASHINGTON BICENTENNIAL COMMISSION

Mr. FESS. Mr. President, I was called to the telephone a moment ago when Order of Business 445, being the bill (S. 3092) to enable the George Washington Bicentennial Commission to carry out and give effect to certain approved plans, was reached on the calendar and was objected to.

The PRESIDING OFFICER. As the Chair recalls, the bill was objected to by the Senator from South Carolina.

Mr. BLEASE. Yes.

Mr. FESS. Will the Senator from South Carolina withhold his objection for a moment?

Mr. BLEASE. I should be willing to do so, but the fact being that I objected to the bill at the request of another Senator, I could not now consent to its consideration.

Mr. LA FOLLETTE. Regular order, Mr. President.

#### BILLS AND JOINT RESOLUTION PASSED OVER

The bill (S. 759) to give the Supreme Court of the United States authority to make and publish rules in common-law actions was announced as next in order.

Mr. SACKETT and Mr. McKELLAR asked that the bill go over.

Mr. CURTIS. Mr. President, I observe that that bill has been adversely reported.

Mr. SACKETT. But a minority report on the bill has been filed by the Senator from Illinois [Mr. DENEEN], and I therefore ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

#### CLAIMS OF GRAIN ELEVATORS AND GRAIN FIRMS

The joint resolution (S. J. Res. 59) authorizing the President to ascertain, adjust, and pay certain claims of grain elevators and grain firms to cover insurance and interest on wheat during the years 1919 and 1920, as per a certain contract authorized by the President, was announced as next in order.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

Mr. SMOOT. Mr. President, I should like to ask the Senator from Minnesota [Mr. SHIPSTEAD], who introduced the joint resolution, whether there is a report on it from the department? I do not see any such report.

Mr. SHIPSTEAD. The report on the joint resolution is Report No. 441.

Mr. SMOOT. But there is no report from the department on the measure.

Mr. SHIPSTEAD. Mr. President, I can say to the Senator from Utah that the joint resolution was sent to the Department of Agriculture and that department reported back that they knew nothing about it. It was then sent to the man who represents the United States Grain Corporation, but no reply has been received. The letter was sent to that corporation early in January, but there has been no reply received by the Senate Committee on Agriculture since the letter was sent.

Mr. SMOOT. There was, then, neither a favorable nor an unfavorable reply sent?

Mr. SHIPSTEAD. No; the last time I inquired of the Senator from Oregon [Mr. McNARY], the chairman of the committee, he said he had not heard from the man to whom the letter was addressed. I thought it rather peculiar that an answer to the letter had not been made.

Mr. ROBINSON of Arkansas. Mr. President, will the Senator from Utah yield to me?

Mr. SMOOT. I first desire to ask what length of time was allowed to furnish a report between the time when the joint resolution was reported out of the committee and the time the request to which the Senator refers was made?

Mr. SHIPSTEAD. I should estimate it was about a month.

Mr. SMOOT. They ought to have been able to have made some kind of a report in that time. Would the Senator from Minnesota object to letting the joint resolution go over to-day, and I shall write a letter to ascertain if I can get any reasons why an answer has not been made?

Mr. SHIPSTEAD. Of course, if the Senator objects to the consideration of the joint resolution, I can only agree to his request.

Mr. SMOOT. I should like to know a little more about the matter, I think, without expressing any opinion whether the legislation ought to be enacted or not.

Mr. SHIPSTEAD. Mr. President, I might say that I am informed that a measure similar to the joint resolution was submitted to the Committee on War Claims of the House of Representatives, and after hearing the witnesses who were in favor of the measure it was insisted that a Mr. Dudley come down to the committee. He came, and I understand he objected, but I am informed that the House Committee on War Claims reported favorably on the bill in that body.

Mr. SMOOT. I will look the matter up.

#### FLOOD CONTROL

Mr. JONES. Mr. President, when I presented the report on the flood control bill I intended to ask that the junior Senator from Missouri [Mr. Hawes] might have the privilege of filing a minority report should he desire to do so. I do not think any such request is necessary, but he asked me to make it, and I now make the request that he may have that privilege.

The PRESIDING OFFICER. The request will be noted and granted.

#### LIEUT. ROBERT STANLEY ROBERTSON, JR.

The bill (S. 1377) for the relief of Lieut. Robert Stanley Robertson, jr., United States Navy, was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. Objection being heard, the bill goes over.

#### CHARLES R. SIES

The bill (S. 151) for the relief of Charles R. Sies was announced as next in order.

Mr. KING. I ask that the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

#### LIEUT. HENRY C. WEBER, UNITED STATES NAVY

The bill (S. 2442) for the relief of Lieut. Henry C. Weber, Medical Corps, United States Navy, was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. LA FOLLETTE. Mr. President, will the Senator withhold his objection for a moment?

Mr. KING. Yes.

Mr. LA FOLLETTE. Mr. President, this bill merely seeks to restore to his proper grade an officer now in the Navy. The delay occasioned by his not being notified of his appointment and confirmation following his examination, which was successfully passed, was not the fault of the officer in question but was the fault of the department and of the Senate. No charges, as I am advised by the chairman of the committee, were filed against the confirmation, nor was there any objection raised against it. Therefore, in order to correct the injustice which has been done to this officer, who has given excellent service, this bill has been introduced and I hope the Senator will not insist upon his objection. I have looked into it very carefully, and I think it is a meritorious case.

Mr. SMOOT. Mr. President, I have not read the entire bill, but I see that the Acting Secretary of the Navy, in closing his report, says:

In view of the foregoing, the Navy Department recommends that this bill be not enacted.

Mr. LA FOLLETTE. Yes; that this true; the Navy Department does not recommend the bill, but the Naval Affairs Committee went into the matter, as the chairman of the committee will state, and I have gone into it myself, and I can not see any reason why the Navy Department should take the position it has taken, because the facts show that it was not the fault of the officer but the delay was occasioned both by the department and the Senate.

Mr. HALE. Mr. President—

The PRESIDING OFFICER. Does the Senator from Wisconsin yield to the Senator from Maine?

Mr. LA FOLLETTE. I yield.

Mr. HALE. Mr. President, let me say that, as I recall it, I informed the Senator the other day that the delay was occasioned in the Senate. I have, however, had the matter looked up since that time, and I find that the delay was in the department itself. This officer took an examination on October 30, 1918, and two months afterwards, in January, 1919, he was informed by the department that he had passed the examination. On March 1, 1919, four months after taking the examination, he was notified of his confirmation by the Senate. However, on February 4, 1919, he had reached the maximum age limit of 32 years for this promotion and his commission was withheld. The delay was due to no fault on his part.

Mr. LA FOLLETTE. Mr. President, the statement of the Senator from Maine shows that responsibility for the delay rests entirely upon the Navy Department.

Mr. HALE. Entirely.

Mr. LA FOLLETTE. And yet this officer had completed the examination; had qualified in every respect, and at the time he took the examination was serving in the Navy.

Mr. HALE. That is entirely true. It is fair to say that the situation which arose was the fault of the Navy Department.

Mr. SMOOT. Mr. President, I have not had the time to read the entire report, but I noticed the closing sentence in the letter from the Navy Department to which I have referred.

Mr. LA FOLLETTE. The only explanation I can make is that the Navy Department does not want to admit that it has done a wrong in this case; but it has done a wrong to this officer, and in justice to him it should be corrected.

Mr. HALE. I agree with the Senator that an injustice has been done which should be corrected.

Mr. KING. Mr. President, that may be so; but until we have a further explanation on the part of the Navy Department I think the bill had better be passed over.

The PRESIDING OFFICER. Objection is heard, and the bill will be passed over.

Mr. LA FOLLETTE. Mr. President, I ask to have placed in the RECORD, in connection with the bill which has just been under discussion, a letter from Mrs. Henry C. Weber; and I should like to state that if the Congress has so far abrogated its legislative functions that it can not correct injustices of this character, then we have reached a pretty pass.

The PRESIDING OFFICER. Without objection, the letter will be printed in the RECORD.

The letter is as follows:

1346 CHESTNUT STREET,  
Waukegan, Ill., January 31, 1928.

Hon. ROBERT B. HOWELL,  
Committee on Naval Affairs, United States Senate,  
Washington, D. C.

MY DEAR SENATOR: I have received a printed copy of the letter of the Acting Secretary of the Navy, dated January 21, 1928, addressed to the chairman of the Committee on Naval Affairs, United States Senate, Washington, D. C., giving the views and recommendations of the Navy Department with reference to the bill (S. 2442) for the relief of my husband, Lieut. Henry C. Weber, Medical Corps, United States Navy.

In view of the fact that Lieutenant Weber is now serving with the Third Brigade of United States Marines in China, I have been asked to give appropriate attention to any developments in connection with this bill. I therefore beg leave to quote and comment upon certain statements contained in the above-mentioned letter from the Acting Secretary of the Navy. The fourth paragraph of this letter states that—

"Lieutenant Weber was in 1918, while serving under his temporary appointment as an assistant surgeon in the Navy, examined for permanent appointment to the Medical Corps in accordance with the general law. He was found qualified on examination and was nominated to the Senate. Prior to confirmation by that body he had passed the maximum

age limit of 32 years and could not, therefore, receive an appointment. Subsequently he entered the permanent Navy under the provisions of section 5 of the act of June 4, 1920 (41 Stat. 835), which fixed the maximum age limitation for appointees to the Medical Corps at 42 years."

It is believed that an amplification of the statements contained in the foregoing paragraph will conduce to a more ready and complete understanding of the merits of Lieutenant Weber's claim. The facts are that on October 30, 1918, while serving as a temporary lieutenant in the Medical Corps of the Navy, Lieutenant Weber took the examination for appointment to the regular Navy. At this time he was well below the maximum age limit of 32 years fixed by the general law. The Navy Department informed him on January 2, 1919 (after a lapse of two months), that he had passed this examination. An announcement was made on March 1, 1919 (four months after taking the examination and two months after receiving notice that he had passed it) that his appointment had been confirmed by the United States Senate. Inasmuch, however, as Lieutenant Weber had reached the age of 32 years on February 4, 1919, his commission was withheld by the Navy Department. Please note that Lieutenant Weber satisfactorily complied with all requirements for appointment over three months before reaching the maximum age limit of 32 years.

In the fifth paragraph of the department's letter it is stated that—  
"The bill S. 2442 would, if enacted, result in an immediate additional cost to the Government of approximately \$1,150 per annum."

The department evidently is under a misapprehension in making this statement. The facts are that Lieutenant Weber is at the present time receiving the pay and allowances of the fourth pay period, the pay of a lieutenant commander of the Navy, to which the Comptroller General of the United States, in a decision rendered on October 21, 1927 (copy attached), stated he was entitled to receive from June 2, 1927, under the provisions of paragraph 5 of section 1 of the act of June 10, 1922.

The enactment of this bill would therefore involve no increased expense to the Government until Lieutenant Weber had completed 23 years of service, when as a lieutenant commander of the Medical Corps of the Navy he would receive the pay of the fifth pay period. By that time, however, he would in all probability have attained the rank of a lieutenant commander in the Medical Corps of the Navy in the ordinary course of events.

The sixth paragraph of the department's letter states that—  
"A bill (H. R. 16197, 69th Cong.) which is similar to the bill S. 2442 was referred to the Bureau of the Budget with the above information as to cost and a statement to the effect that the Navy Department contemplated recommending that the proposed legislation be not enacted in view of the fact that it is not for the general good of the service and that it would establish an undesirable precedent in that many other officers with longer service would be equally justified in asking similar relief. Under date of January 29, 1927, the Director of the Bureau of the Budget advised the Navy Department that this report would not be in conflict with the financial program of the President."

It is respectfully submitted that any legislation having as its object the correction of an injustice unintentionally inflicted upon Lieutenant Weber, as this bill does, is a substantial contribution to the morale of the service and therefore for its general good.

The assertion that "it would establish an undesirable precedent in that many other officers with longer service would be equally justified in asking similar relief" is not believed to be justified by the conditions of this particular case. The claim of Lieutenant Weber is not based upon length of service but upon the fact that he satisfactorily complied with all requirements imposed upon him in ample time to receive appointment before attaining the maximum age limit of 32 years contained in the general law, and that it was due to long and apparently unnecessary delay on the part of the Government and through no fault of his that he was deprived of appointment.

By reference to the register of commissioned and warrant officers of the United States Navy and Marine Corps it will be noted that the officers who took the examination for appointment to the Medical Corps of the Navy at the same time as Lieutenant Weber did, on October 30, 1918, were appointed on and took precedence as of December 10, 1918.

Had Lieutenant Weber been commissioned in the Medical Corps of the Navy as of December 10, 1918, he would have received promotion to the grade of lieutenant commander in that corps during the summer of 1926. The result of the delay in Lieutenant Weber receiving his commission in the regular Navy has been to subject him to a loss of approximately 100 numbers and possibly to postpone promotion to the grade of lieutenant commander in the Medical Corps of the Navy from 8 to 10 years.

The proposed bill is designed to correct this injustice in so far as it may be done by legislation. It will give Lieutenant Weber the rank that he would have received had his case been acted upon with reasonable promptitude. At the same time, however, its enactment will involve no increased expense whatever to the Government.

In view of the facts and circumstances outlined herein, I wish to ask, in behalf of Lieutenant Weber, that this bill for his relief be given the

further careful consideration of the committee of which you are a member, and that it be accorded the favorable consideration that its merits would seem to justify.

Very respectfully,

Mrs. HENRY C. WEBER.

JOSEPH CUNNINGHAM

The bill (S. 2733) to amend the military record of Joseph Cunningham was announced as next in order.

Mr. KING. I ask that the bill go over.

Mr. SHORTRIDGE. Mr. President, the amendment to the bill is merely a verbal change. It does not in any wise affect the purpose or scope of the measure.

The PRESIDING OFFICER. The Chair will say that objection was heard to the consideration of the bill.

Mr. SHORTRIDGE. Then I shall not waste time in discussing it.

The PRESIDING OFFICER. The Chair understood the Senator from Utah [Mr. KING] to object.

Mr. KING. If the Senator from California desires to make an explanation, I shall withhold the objection.

Mr. SHORTRIDGE. I do not care to say anything more. The amendment, however, merely strikes out unnecessary words in the bill. I think it a meritorious measure.

The PRESIDING OFFICER. The bill will be passed over.

JOHN LEWIS BURNS

The bill (S. 1852) to correct the naval record of John Lewis Burns was considered as in Committee of the Whole. It directs the Secretary of the Navy to correct the naval record of the late John Lewis Burns, gunner, United States Navy, to show that his death on August 6, 1918, while attached to the U. S. S. *North Carolina*, was incurred in line of duty and was not due to his own misconduct.

Mr. REED of Pennsylvania. That is another bill which the Navy Department recommends be not enacted. I think it ought to be explained before it shall be passed.

Mr. SHORTRIDGE. The Navy Department is not the legislative branch of the Government.

Mr. HALE. Mr. President, this is the case of an enlisted man who served in the Navy for 13 years. In 1917 he was temporarily appointed a gunner, commissioned rank, and served on active duty until August 6, 1918, when he was admitted to the Naval Hospital at Portsmouth, N. H., and died on that day. He died as the result of a gunshot wound, not incurred in the line of duty, while on board the *North Carolina*. He shot himself at about 4.45 a. m., was immediately transferred to the Naval Hospital at Portsmouth at 5.15, and died at 6 a. m.

It is claimed that the argument used and submitted to the board of inquiry charging suicide was entirely circumstantial; that his death may have been accidental, or caused by another, or that Burns was temporarily insane; it being further claimed that in view of Burns' long naval record he should be given the benefit of the doubt.

I will say, that now in the Navy when a man shoots himself, and nobody has actually seen the act, it is the policy of the department to consider the death as having occurred in line of duty; he is given the benefit of the doubt. That policy has been followed since 1923.

Mr. KING. I wish to ask the Senator from Maine if it is the rule of the department simply because there is not an eyewitness to the death of an enlisted man, though the circumstances pointing to suicide may be very strong, that the department will regard the death as not an act of self-destruction?

Mr. HALE. At the present time that is true. It was not the case at the time when Burns died.

Mr. KING. No matter how strong the circumstances may be and how clear it is that the man committed suicide?

Mr. HALE. Unless some one has actually seen the act, the man is given the benefit of the doubt. That is now the policy of the department.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MISSISSIPPI RIVER BRIDGE AT OR NEAR QUINCY, ILL.

Mr. DALE. From the Committee on Commerce I report back favorably without amendment House bill 9849, to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Quincy, Ill., and I submit a report (No. 452) thereon.

I ask unanimous consent for the immediate consideration of this bill and several other bridge bills which I have here.

Mr. CURTIS. Mr. President, are these bridge bills in the regular form?

Mr. DALE. They are; yes, sir.

The PRESIDING OFFICER. Is there objection to the request of the Senator from Vermont?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

CUMBERLAND RIVER BRIDGE, CLAY COUNTY, TENN.

Mr. DALE. From the Committee on Commerce I report back favorably, without amendment, House bill 9139, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Cumberland River on the Lafayette-Celina road in Clay County, Tenn.; and I submit a report (No. 453) thereon.

I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

TENNESSEE RIVER BRIDGE, MARION COUNTY, TENN.

Mr. DALE. From the Committee on Commerce, I report back favorably, with an amendment, House bill 9147, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River, on the Jasper-Chattanooga road in Marion County, Tenn.; and I submit a report (No. 454) thereon.

I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendment was, on page 2, line 10, to strike out the words "cost of the bridge and its", and to insert in lieu thereof "cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges, and their," so as to make the bill read:

*Be it enacted, etc.*, That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River, at a point suitable to the interests of navigation, on the Jasper-Chattanooga Road, in Marion County, Tenn., in accordance with the provisions of an act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 3. The right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time, and passed.

TENNESSEE RIVER BRIDGE, KNOX COUNTY, TENN.

Mr. DALE. From the Committee on Commerce, I report back favorably, with an amendment, House bill 9197, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Knoxville-Maryville road in Knox County, Tenn., and I submit a report (No. 455) thereon. I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate as in Committee of the Whole proceeded to consider the bill.

The amendment was, on page 2, line 10, to strike out the words "cost of the bridge and its" and to insert in lieu thereof "cost of the bonds authorized under the law of the State of

Tennessee for the construction of this and other bridges, and their," so as to make the bill read:

*Be it enacted, etc.,* That the consent of Congress is hereby granted to the highway department of the State of Tennessee to construct, maintain, and operate a bridge and approaches thereto across the Tennessee River at a point suitable to the interests of navigation, on the Knoxville-Maryville Road in Knox County, in the State of Tennessee, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. If tolls are charged for the use of such bridge, the rates of toll shall be so adjusted as to provide a fund sufficient to pay the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the cost of the bonds authorized under the law of the State of Tennessee for the construction of this and other bridges and their approaches, including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 25 years from the completion thereof. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of toll shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the costs of the bridge and its approaches, the expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected shall be kept and shall be available for the information of all persons interested.

SEC. 3. That the right to alter, amend, or repeal this act is hereby expressly reserved.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### TENNESSEE RIVER BRIDGE, ROANE COUNTY, TENN.

Mr. DALE. From the Committee on Commerce I report back favorably, without amendment, House bill 9196, granting the consent of Congress to the Highway Department of the State of Tennessee to construct, maintain, and operate a bridge across the Tennessee River on the Decatur-Kingston road in Roane County, Tenn., and I submit a report (No. 456) thereon.

I ask unanimous consent for the immediate consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MEDICAL OFFICER ASSIGNED TO DUTY AS PERSONAL PHYSICIAN TO THE PRESIDENT

Mr. REED of Pennsylvania. From the Committee on Military Affairs I report back favorably, with amendments, Senate bill 3456, allowing the rank, pay, and allowances of a colonel, Medical Corps, United States Army, to the medical officer assigned to duty as personal physician to the President. It would give him temporary rank, as amended, and it would not interfere with the rank of other officers on the promotion list.

Mr. ROBINSON of Arkansas. I think there are a number of precedents for the action, if I remember correctly.

The PRESIDING OFFICER. Does the Senator from Pennsylvania ask for the present consideration of the bill?

Mr. REED of Pennsylvania. I do.

The PRESIDING OFFICER. Is there objection to the request?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill.

The amendments were, on page 1, line 5, after the word "the," to strike out "rank" and insert "temporary rank and the"; in line 6, after the word "Army," to insert "while so serving"; and, after the word "Army," to strike out "Provided, That the officer now assigned to that duty shall have the rank, pay, and allowances herein provided from the date of his assignment," so as to make the bill read:

*Be it enacted, etc.,* That the officer of the Medical Corps, United States Army, who is now assigned to duty as the personal physician to the President, shall have the temporary rank and the pay and allowances of a colonel, Medical Corps, United States Army, while so serving.

The amendments were agreed to.

Mr. LA FOLLETTE. Mr. President, before this bill is passed I think we ought to be very careful to ascertain whether or not the department has approved it.

Mr. CURTIS. Does the Senator object?

Mr. LA FOLLETTE. I ask if the department has approved the bill?

Mr. REED of Pennsylvania. I understand that the department is in favor of the bill.

Mr. LA FOLLETTE. Has the Senator any written report from the department on the bill?

Mr. REED of Pennsylvania. I have no written report.

Mr. LA FOLLETTE. Then I shall feel constrained to object. The PRESIDING OFFICER. Objection is heard.

Mr. LA FOLLETTE subsequently said: Mr. President, I withdraw my objection to the consideration of Senate bill 3456.

The PRESIDING OFFICER. The objection is withdrawn.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### EXECUTIVE SESSION

Mr. CURTIS. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened.

#### ADJOURNMENT UNTIL MONDAY

Mr. CURTIS. I move that the Senate adjourn until Monday next at 12 o'clock.

The motion was agreed to; and (at 4 o'clock and 40 minutes p. m.) the Senate adjourned until Monday, March 5, 1928, at 12 o'clock meridian.

#### NOMINATIONS

*Executive nominations received by the Senate March 2, 1928*

##### UNITED STATES JUDGE

John E. Martineau to be United States judge, eastern district of Arkansas.

##### FOURTH JUDGE OF CIRCUIT COURT OF HAWAII

Edward M. Watson, of Hawaii, to be fourth judge, circuit court, First Circuit of Hawaii, vice John R. Desha, resigned.

##### PROMOTIONS IN THE REGULAR ARMY

###### MEDICAL ADMINISTRATIVE CORPS

###### To be captain

First Lieut. Willard Mortimer Barton, Medical Administrative Corps, from February 20, 1928.

[NOTE.—Capt. Willard Mortimer Barton was nominated February 24, 1928, and confirmed February 28, 1928, under the name of William Mortimer Barton. This message is submitted for the purpose of correcting an error in the name of nominee.]

###### To be major

Capt. George Stanley Clarke, Infantry, from February 24, 1928.

###### To be captains

First Lieut. Harold Paul Stewart, Cavalry, from February 24, 1928.

First Lieut. Darrow Menoher, Cavalry, from February 26, 1928.

###### To be first lieutenants

Second Lieut. Alden Rudyard Crawford, Air Corps, from February 24, 1928.

Second Lieut. Rochester Flower McEldowney, Field Artillery, from February 24, 1928.

Second Lieut. Thomas Merritt Lowe, Air Corps, from February 26, 1928.

Second Lieut. Kevin O'Shea, Cavalry, from February 28, 1928.

##### APPOINTMENTS, BY TRANSFER, IN THE REGULAR ARMY

###### INFANTRY

Lieut. Col. Leo Asa Dewey, Adjutant General's Department, effective May 15, 1928, with rank from April 27, 1921.

Maj. George Veazy Strong, Judge Advocate General's Department (detailed in the General Staff Corps), with rank from May 15, 1917.

###### AIR CORPS

Second Lieut. Demas Thurlow Craw, Infantry (detailed in Air Corps), with rank from June 12, 1924.

#### CONFIRMATIONS

*Executive nominations confirmed by the Senate March 2, 1928*

##### UNITED STATES JUDGE

John E. Martineau to be United States judge, eastern district of Arkansas.

REAPPOINTMENT IN THE OFFICERS' RESERVE CORPS OF THE ARMY  
GENERAL OFFICER

To be brigadier general, Corps of Engineers Reserve  
Brig. Gen. Jay Johnson Morrow, from March 5, 1928.

POSTMASTERS  
ARKANSAS

Ida L. Carter, Parkin.

IDAHO

Clarence P. Smith, Eden.  
John E. McBurney, Harrison.  
Hannah H. Bills, Kimberly.  
William W. McNair, Middleton.

ILLINOIS

Bryce E. Currens, Adair.

INDIANA

Jesse Downen, Carbon.  
Joseph W. Morrow, Charlestown.  
LaFayette H. Ribble, Fairmount.  
Roy Sargent, Syracuse.  
William I. Ellison, Winona Lake.

IOWA

Abe Abben, Little Rock.  
Edna Hesser, Nichols.

MAINE

Hugh Hayward, Asiland.  
Thomas E. Wilson, Kittery.  
Winfield L. Ames, North Haven.  
Harry S. Bates, Phillips.  
Hiram W. Ricker, jr., South Poland.  
George E. Sands, Wilton.  
Parker B. Stinson, Wiscasset.

NEW YORK

Henry L. Sherman, Glens Falls.

OKLAHOMA

George H. Passmore, Cromwell.

WASHINGTON

Nellie Tyner, Dishman.  
Harry B. Onn, Dryad.

## HOUSE OF REPRESENTATIVES

FRIDAY, March 2, 1928

The House met at 12 o'clock noon.

The Rev. John Compton Ball, of the Metropolitan Baptist Church, of Washington, D. C., offered the following prayer:

Our Heavenly Father, we bow in Thy divine presence and invoke Thy divine blessing, that it may rest upon all the deliberations of this day, knowing full well that anything done without Thy favor is bound to come to naught, and that only as we move in conformity to Thy will can we hope for continued individual and national prosperity.

And at this time, as we are one great family, we pray especially for the wife of the President of the United States as she sits in anxiety by the bedside of her mother, and we pray that she may realize the fulfillment of the promise that underneath is the everlasting arm; and what we ask for her we ask for every citizen of these United States in the lowliest and humblest station. Bless the Speaker and every Member of this House. For Christ's sake. Amen.

The Journal of the proceedings of yesterday was read and approved.

### MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed with amendments bills of the following titles, in which the concurrence of the House of Representatives was requested:

H. R. 6073. An act granting a permit to construct a bridge over the Ohio River at Ravenswood, W. Va.; and

H. R. 7921. An act authorizing A. Robbins, of Hickman, Ky., his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Mississippi River at or near Hickman, Fulton County, Ky.

The message also announced that the Senate had passed without amendment a bill of the following title:

H. R. 7948. An act to extend the times for commencing and completing the construction of a bridge across the Delaware River at or near Burlington, N. J.

The message also announced that the Senate agrees, with amendments, to the amendment of the House of Representatives to the bill (S. 700) entitled "An act authorizing the Secretary of the Interior to execute an agreement with the Middle Rio Grande conservancy district providing for conservation, irrigation, drainage, and flood control for the Pueblo Indian lands in the Rio Grande Valley, N. Mex., and for other purposes."

### ORDER OF BUSINESS

The SPEAKER. Under the special order of the House the Chair recognizes the gentleman from New York [Mr. Sirovich] for 30 minutes.

Mr. LINTHICUM. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The motion was agreed to.

The SPEAKER. The Doorkeeper will close the doors, the Sergeant at Arms will bring in absent Members, and the Clerk will call the roll.

The Clerk called the roll, and the following Members failed to answer to their names:

#### [Roll No. 40]

Allen	Drewry	Kiess	Rutherford
Almon	Edwards	Kindred	Sears, Nebr.
Anthony	England	Kopp	Somers, N. Y.
Beck, Pa.	Estep	Kunz	Sprout, Ill.
Beck, Wis.	Foss	Langley	Steagall
Beedy	Fulmer	Larsen	Stevenson
Beers	Gallivan	Latherwood	Strong, Pa.
Berger	Gambrill	Lindsay	Strother
Boles	Golder	Lyon	Sullivan
Britten	Goodwin	Michaelson	Sweet
Burdick	Graham	Moore, N. J.	Swick
Bushong	Griffin	Morgan	Taylor, Tenn.
Campbell	Hall, Ill.	Morin	Thompson
Carew	Hancock	Nelson, Me.	Tillman
Carley	Hare	Nelson, Wis.	Tilson
Chapman	Harrison	Norton, N. J.	Tucker
Christopherson	Haugen	O'Connor, N. Y.	Warren
Connally, Tex.	Hill, Ala.	Palmer	Weller
Connolly, Pa.	Hope	Perkins	White, Colo.
Cooper, Ohio	Houston	Porter	Williamson
Crosser	Hughes	Prall	Wingo
Crowthier	Igoe	Quayle	Winter
Curry	Irwin	Ransley	Wolverton
Davey	Johnson, S. Dak.	Rathbone	Wood
Douglas, Ariz.	Kearns	Reed, N. Y.	Wurzbach
Doutrich	Kelly	Romjue	
Doyie	Kendall	Rubey	

The SPEAKER. Three hundred and twenty-six Members are present, a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The motion was agreed to.

The doors were opened.

### QUESTION OF PRIVILEGE

Mr. CRAMTON. Mr. Speaker, I rise to a question of the privilege of the House. I observe that the gentleman from New York [Mr. Sirovich] has brought into the House and displayed upon the table, apparently for use in connection with the speech he is about to make, various bottles and paraphernalia. My only information as to the use to be made of them comes from a newspaper article in the Washington Herald this morning, which purports to quote a statement issued by the gentleman from New York [Mr. Sirovich] which, in brief states that he "will set up a laboratory on the floor of the House to-day, and give a practical demonstration," and, further, that he "will invite Members of the House to test the stuff he runs through his chemist's apparatus," the article having to do with the question of alcohol, denatured and otherwise. I make the point of order that the rules of the House do not permit the setting up of such a laboratory, and the other performance which this newspaper announces is the purpose of the display which is before us.

The Constitution appreciated the desirability of orderly conduct in the House when it gave the House express authority to punish for disorderly conduct. The question as to what would be the situation if the gentleman from New York should go so far as the article states and attempt to give to Members of the House liquor while the House is in session I do not need to urge upon the Speaker at this time. Until the gentleman from New York makes that attempt I shall assume that he would not perpetrate an action of that kind, which would in my judgment be disorderly conduct, which would not be in order even by unanimous consent.

I simply urge at this time that the exhibits which are to accompany the speech are akin to the reading of a paper in a speech. They can not be of a higher privilege, certainly. Whether such exhibits are of as high a privilege as the read-